

"He had a hand or influence on every lawyer in the state for 35 years," said Thomas Barnett, executive director of the South Dakota Bar Association in Pierre.

Sahr, 71, who was serving as secretary-treasurer of the State Bar Association, died Monday, Dec. 4, 1995, at his home, due to lung cancer.

"He had a history of over 30 years in Bar leadership," said Barnett. "I was fortunate to work with him through most of my career."

During his career, Sahr, through the Bar Association, established the nation's first prepaid continuing legal education; he spearheaded legislative approval for passage of funding for a new University of South Dakota Law School; and worked for improvement of judicial compensation.

He also introduced the first bill for a state employee retirement system. "This was a biggie for the state," said Sahr's son, Dan of Sioux Falls. "Before that there was nothing for state employees."

Barnett said, "He worked to serve the people of South Dakota. He was instrumental in lobbying pieces that helped everybody."

Beresford attorney Robert "Bob" Frieberg acknowledged Sahr's contribution to the state.

"His influence shaped the Bar, judiciary and modern legal system in South Dakota," he said. "His was the biggest influence of a single person."

Frieberg said that Sahr was committed to improve the legal system whenever he could.

Although he didn't know for sure, Frieberg believed that Sahr had a sense that he had an obligation to leave the world better than he found it.

"He was just a neat guy," he said. "One of a kind. I'm gonna miss him."

With a tear sliding down his face, Frieberg added, "He was a great friend."

Sahr's legal career began in 1957, when he opened a law practice in Pierre. He served for two terms as the Hughes County States Attorney, from 1958 to 1962. He then served two terms in the South Dakota House of Representatives, from 1962 to 1967. He was elected in 1961 as secretary-treasurer of the state Bar. He retired on July 31, 1989, from his position as executive director of the Bar Association, after 28 years with the organization.

William Karcher Sahr was born July 21, 1924, in Pierre. He attended Pierre Public School and was graduated from Lake Forest Academy, Lake Forest, Ill., in 1942.

He served in the Army from 1943 to 1946, during World War II. He served in the Battle of the Bulge. He received the European Medal with four Battle Stars.

In 1954, he graduated from Northwestern University in Evanston, Ill., and from its law school in 1957.

He married Carla Aplan in 1953.

From 1973 to 1978, he was a member of the Pierre Board of Education. He also served on the St. Mary's Hospital Law Advisory Board, president of the Pierre Carnegie Library Board for 19 years, and on the Pierre City Board of Adjustment for 10 years.

He was a member of the Pierre Area Chamber of Commerce, American Legion, VFW, the Elks Club, Sts. Peter and Paul Catholic Church, the American Bar Association, the Jackrabbit Bar Association, and the National Association of Bar Executives.

He received a Recognition Award from the University of South Dakota Law School in 1982, the Appreciation Award from the South Dakota Trial Lawyers Association, and the McKusick Award from the USD School of Law in 1987.

"He was proud of this," Dan Sahr said, of his father receiving the McKusick Award.

The award recognizes an outstanding member of the South Dakota legal community for contributions to the profession.

In addition to his wife and son, survivors include four other children: James, Los Angeles; Marguerite Moreland, Littleton, Colo.; Elizabeth Squyer, Sioux Falls; and Robert, Boulder, Colo.

Services, for Sahr, begin at 11 a.m. Thursday in Sts. Peter and Paul Catholic Church in Pierre, with burial in Riverside Cemetery.

Visitation will be from 3 to 9 p.m. Wednesday in the Feigum Funeral Home in Pierre. Prayer service begins at 7:30 p.m. Wednesday in the funeral home.

The family requests that expressions of sympathy take the form of donations to the Countryside Hospice of Pierre or to the South Dakota Law School Foundation.

#### THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, almost 4 years ago I commenced these daily reports to the Senate to make a matter of record the exact Federal debt as of the close of business the previous day.

As of the close of business Wednesday, December 6, the Federal debt stood at exactly \$4,988,640,469,699.34. On a per capita basis, every man, woman, and child in America owes \$18,936.97 as his or her share of the Federal debt.

#### FLAG PROTECTION CONSTITUTIONAL AMENDMENT

Mr. SHELBY. Mr. President, I strongly support Senate Joint Resolution 31, which amends the Constitution to protect the flag of the United States from those who would desecrate it.

The American flag is a national symbol of the values this country was founded on. Many Americans have fought and died to defend these values and this country. It is an insult to these patriots, their relatives, and all other citizens who hold this country dear, to burn or desecrate the symbol of our Nation and our freedom.

I certainly support the right of all citizens to freedom of speech, but that right has never been absolute in our country. That is why there are laws against libel, slander, perjury, and obscenity. Similarly, our freedom of political expression is also limited. No one can legally deface the Supreme Court building or the Washington Monument, no matter how much he or she might wish to protest a particular government policy or law. The American flag, deserves special protection under the Constitution. It simply is not necessary to commit an act of violence against this flag to register protest against the Government. Passage of Senate Joint Resolution 31 will help ensure our national symbol receives the respect and protection it deserves.

Again, Mr. President, I offer my strong support for Senate Joint Resolution 31 and I urge my colleagues to support it as well.

#### REV. RICHARD C. HALVERSON

Mr. INOUE. Mr. President, our former Senate Chaplain, the Reverend Dr. Richard Halverson, will be sorely missed, especially by those of us who

had the great privilege of knowing him and benefiting from his special ministry.

His daily prayers and his words of greeting, whenever we met, were most comforting. History should record that as a result of his guidance, many unfortunate adversarial crises were successfully averted in the Senate. I believe he succeeded to helping maintain the Senate on an even keel.

We will miss him. I will miss him.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996—CON- FERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying H.R. 2076.

The clerk will report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2076) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of December 1, 1995.)

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, it is my pleasure to proceed today with the conference report on the Commerce-State-Justice appropriations.

This legislation comes forward after a considerable amount of activity and, obviously, some ups and downs on the road to passage. It is, however, I believe, an excellent piece of legislation in light of the hand which has been dealt. Clearly, in an attempt to balance this budget, we have had to make some significant reductions in this account overall in order to meet our goal of a balanced budget within 7 years. The numbers which were assigned to us by the Budget Committee and then allocated to us by the Appropriations Committee put us to the test in the area of trying to reach this goal. But I believe we have reached it in a very positive and responsible way.

The essential thrust of this bill is to make sure that we adequately fund the activities of our criminal justice system and to make sure that we have

adequate moneys and make available to the States adequate funds to undertake an aggressive posture relative to trying to control the spread of violence and crime in our Nation.

As a result, we have committed a significant increase in dollars to the Department of Justice, approximately a 19.2-percent increase over the 1995 level. That increase in funding in the Department of Justice has come in the context of an overall reduction in funding for the bill generally of approximately \$756 million.

Thus, in order to accomplish that, we obviously had to take some funds from some of the other agencies. We have significantly reduced the funding, for example, in the area of the Department of Commerce and in the area of the State Department. In making those decisions to reduce funds in those two areas, I believe we have done it in a very constructive way. We have in the State Department, for example, fully funded, to the best of our ability anyway, the activities of the operations of the State Department. We made sure that the salary cap accounts and the construction accounts and the day-to-day functions of the State Department are funded in a manner which they feel they can accept.

We have not, on the other hand, made a major commitment to the U.N. funding. We have funded the international organizations efforts and peacekeeping efforts, but we have kept the funding levels at a very low, or at least conservative, number, because we feel that is an appropriate decision. From my standpoint, I would rather be fighting crime in the United States and spending money on that than necessarily funding international organizations and peacekeeping at the United Nations.

In the area of the Commerce Department, we have also made some very difficult decisions, but in the process, I think they are constructive decisions. We have, for example, funded very aggressively NOAA, which does very strong, effective research in the area of protecting the oceans, which are critical assets of not only our Nation but the world. At the same time we have, however, cut the overall funding for the Department of Commerce by approximately 14 percent below what it was funded at last year. So we have gone 14 percent below a freeze for the Department of Commerce. In order to accomplish that, we have had to reduce funding in a number of accounts, obviously, within the Department of Commerce. But I think the decisions for those reductions have been thoughtful and appropriate.

Again, with the Small Business Administration, we have reduced the funding of the Small Business Administration by a considerable amount. But I believe we have given them still the capacity to go forward and participate in the process of funding initiatives to assist in the creation of jobs effectively.

So, overall, this is a bill which accomplishes our major goals, the first goal being to live up to our obligations to balance the budget and, therefore, make the difficult decisions which require reducing of funding and, in the area of the Department of Commerce, move toward basically its elimination. At the same time that we are moving toward a balanced budget, we have made a very strong and aggressive commitment to the Department of Justice and to crime fighting.

On that specific area, I think it is important to note that one of the issues of the debate is the manner in which we pursue these crime-fighting initiatives. We have proposed in this bill that a large amount of the violent crime trust fund will be sent back to the States in the form of a block grant which will emphasize and encourage the use of those funds for the addition of police officers on the streets but will not require that those funds be used for the addition of police officers on the streets.

This is a departure from what the administration position was or what they desired. The administration, of course, has taken great pride in its proposal which created cops on the beat and their theory, and we respect that. But we happen to feel that a much more logical way to approach this is to say to the local policing authority to get what they need. Do you need police officers on the street, or do you need the ability to communicate with your police officers on the beat, or do you need the ability to make sure that your police officers on the beat have adequate equipment in order to defend themselves?

We think it is much more appropriate to leave the decision as to whether or not the funds should be used for the creation of additional police on the street or whether it should be used in order to make the police who are on the street more effective in their job up to the local law enforcement agencies who are on the front lines and who have a much higher level of awareness of what is needed.

We also felt that the President's proposal had some fundamental flaws. The basic one was that the way it was structured most of the communities which would have added police officers would find that at the end of 4 years they would have to have picked up the whole cost of that police officer's salary. We think that in the end, rather than encouraging more police officers on the street, it would end up with approximately the same number of police officers on the street and that the number that has been thrown out by the administration is an extreme exaggeration of the numbers of new officers who might actually end up on the street, the number the administration talks about being somewhere around 100,000, when in actuality the number they proposed would have been somewhere in the vicinity of 20,000 during the periods the funds were available

and, after the funds were terminated, in our opinion, would have been less.

In addition, we feel strongly in structuring the use of the violent crime trust fund significant dollars should be put into one-time items so that we are not creating programmatic events which we become responsible for at the end of the violent crime trust fund's period of existence, and thus we have encouraged things like one-time items that would encourage prison construction and activities such as that where we think we can help out the States as they go forward with their attempts to improve their criminal justice systems but not end up signing on to a program where we become liable for the States' responsibilities as far as the eye can see.

In addition, we have strongly supported, for example, some of the initiatives which have traditionally been built up under the criminal justice system and which we think are important such as the Violence Against Women Act which receives a sixfold increase over the 1995 funding level and which we think is a very appropriate initiative.

This is a quick outline. As we move forward this afternoon in discussing this bill further, we will get into more specifics, but at this time I would like to yield to my ranking member and colleague, whose knowledge and history of this legislation far exceeds anything I will ever obtain, and whose support and thoughtful advice and guidance I greatly appreciated during the process of putting this bill together, for whom I always had a great deal of respect, having gotten to know him when he was in New Hampshire on occasion a few years ago, but that respect has only grown exponentially as a result of my having had a chance to work with him in this committee.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I will yield to my colleague first I think for his unanimous-consent request.

Has the unanimous-consent request already been made?

The PRESIDING OFFICER. I do not believe so.

Mr. GREGG. Is the President aware of the unanimous consent relative to time limitations?

Mr. HOLLINGS. I believe it is 2 hours to the distinguished Senator from New Hampshire, 2 hours for this Senator on this side, 2 hours for the distinguished Senator from Delaware [Mr. BIDEN], and 20 minutes for the distinguished Senator from Arkansas [Mr. BUMPERS].

The PRESIDING OFFICER. It was apparently agreed to earlier. We are operating under that agreement.

Mr. GREGG. In that case I reserve the remainder of my time.

Mr. HOLLINGS. Let me thank the distinguished Senator from New Hampshire.

Mr. President, right to the point, the distinguished Senator from New Hampshire is not just a quick study but a

quick excellent study. A year ago, perhaps a little more, he was not on the subcommittee involved in all of these hearings. The bill presently presented by the distinguished Senator and conference report was not worked upon by him until it got into conference, and yet within conference—I emphasized the quick study—the Senator from New Hampshire approached it in a brilliant and thorough fashion—I might add, in an almost Mansfield-like fashion. I remember the distinguished majority leader, Senator Mansfield. When you asked him a question, he said, “Yup” and “Nope.” When I asked for things to try to get in this bill, the distinguished Senator from New Hampshire said, “Nope.” I learned that this outstanding Yankee is of a singular mind, and he knows how to make a decision, which is unusual in Washington.

I really respect and admire the way he has gone about this in a very, very thorough fashion. I emphasize that because I am not in a position on final vote to support the measure for various misgivings. I made that clear. But in making that clear, I wish to make it equally clear that we have been in a sort of cooperative manner trying to reconcile differences. That is the Government itself, the art of compromise. And realistically, there are many things in the bill, in the conference report that the distinguished chairman, Senator GREGG, perhaps would not have included or some things that he wished had been included. That is the same with this particular Senator. We have the House side to satisfy as well as the Senate side and we have worked diligently, at least the distinguished chairman has worked diligently with staffs on both sides and with this particular Senator, and I am grateful for his leadership.

Mr. President, the conference agreement before us provides \$27.3 billion for programs and agencies funded in the Commerce, Justice, State, and the judiciary appropriations bill. Of this amount, almost \$4 billion is for appropriations from the violent crime reduction trust fund. For regular discretionary appropriations this agreement provides \$22.656 billion. This amount is \$3.753 billion below the President's budget request, and \$759 million below the level available in fiscal year 1995. I would note, however, that it represents an increase of \$212 million above the level in the Senate-passed bill.

Before discussing the conference report, I would like to note that this bill is being managed by our new subcommittee chairman, Senator JUDD GREGG of New Hampshire. He took over this subcommittee in October following Senate passage of H.R. 2076. So he was tasked with shepherding a bill through conference that he did not draft. I will tell you he is a quick study and he has mastered this bill as quickly as anyone I have ever seen. And, I think it is fair to say that this is the most diverse and most complicated of the 13 appropriations bills. He has im-

pressed everyone associated with the bill and has done an outstanding job.

Mr. President, when I signed this conference report I wrote “with reservations” under my name. And, I will discuss these reservations, these problems I have with this agreement shortly. But, I would like to first make a few comments about what I do support in this conference report.

#### LAW ENFORCEMENT

First, it continues to bolster our law enforcement agencies and the Federal Judiciary. Justice Department programs are significantly increased. Here are some examples:

U.S. attorneys are provided \$926 million, an increase of \$73 million over fiscal year 1995. That's an additional 450 U.S. attorney positions.

The Federal Bureau of Prisons receives \$2.9 billion, an increase of \$306 million over this year. This funding supports construction of new Federal prisons and additional operating funds to open prisons that are coming on line. It provides funding to deal with quelling the unrest that has recently occurred in our Federal prisons.

The Immigration and Naturalization Service is provided \$2.557 billion, an increase of \$487 million above the current year. And, within this account to ensure that funds go to where the Congress intends, we have earmarked appropriations that support the Border Patrol.

Finally, Judge Freeh and the FBI are provided \$2.505 billion, an increase of \$224 million. The conferees have focused our efforts on rebuilding the FBI's infrastructure. So included are: funds to get the NCIC 2000 crime data base up and operating; \$30 million for renovations to the FBI training academy at Quantico, VA; and \$57 million for the first phase of a new FBI forensic facility to be located at Fort Belvoir, VA. We all saw the importance of DNA evidence and the importance of validating such evidence beyond any doubt during the recent Simpson-Goldman murder trial. The FBI laboratory needs to be modernized and enhanced so Federal prosecutors and FBI evidence are not successfully challenged as was the case in the O.J. trial.

Violence against women grants are funded at \$175 million, the President's request. This is \$149 million above this year and \$50 million above the House bill.

For agencies other than Justice and the judiciary, it is really a question of bad news-good news. The bad news is that almost no other agency received appropriations above the current fiscal year. Getting up to a freeze was a major accomplishment. But the good news is that most other agencies have survived at a funding level that enables them to continue to operate, albeit at a reduced level. Take the National Oceanic and Atmospheric Administration, or NOAA, probably the most popular agency in this bill. NOAA is our Nation's principal environmental sciences agency. It is the agency that procures

and operates our weather satellites and it is for the oceans what NASA is to space. In past years our CJS bill increase NOAA just as we have increased Justice.

But in this agreement, NOAA is provided \$1.853 billion—\$59 million below a freeze, and \$244 million less than the President's budget request. The good news is that it could have been worse. Thanks to efforts by Members like our distinguished chairman, Senator HATFIELD, this agreement provides NOAA with a level that is \$79 million over what the House crowd would have provided and only \$13 million less than the Senate-passed bill.

So, like NOAA, many of these other agencies are not doing well, but they are surviving. My colleagues need to be put on notice now, however, that there are going to be reductions in force, office closures, and contract terminations. SBA is going to close offices and there are going to be significant reductions in force in Commerce and in independent agencies. You cannot provide these levels of funding without such impacts.

Mr. President, it is my hope that we can debate this bill quickly and get it down to the White House. President Clinton has stated that he will veto it and I must concur with his position. There are several areas that are unacceptable to both the President and most Members on this side of the aisle. I will briefly mention several.

#### COPS ON THE BEAT

First, this bill terminates the Cops on the Beat Program and the Drug Court Program. It seeks to rewrite the 1994 crime bill and provide funds instead to Governors and mayors for a block grant program. This isn't a money issue; the funds are available in a separate account under the violent crime trust fund. So, what this is about is politics, and I might add pretty dumb politics at that.

I will put a more complete statement regarding the COPS Program in the RECORD. But, let me summarize my position.

First, the COPS Program is focused and well managed. In just 2 years it has gotten 26 thousand additional police out on the streets across America.

Second, the COPS Program has a component that is targeted to small, rural communities. It deals with sheriffs and small town police chiefs directly. Across South Carolina you can survey the most conservative, Republican law enforcement officials and they will tell you that the Cops on the Beat Program is the best thing the Federal Government has ever done.

Third, there is no education in the second kick of a mule. Sometimes I would appreciate it if Speaker NEWT GINGRICH and the House crowd realized that experience and institutional memory are not necessarily bad. We already had a local law enforcement block grant in the Federal Government. It was called the Law Enforcement Assistance Administration, or LEAA. I

was here when we created it and when we had to kill it because of waste. Mayors were buying tanks and corporate jets. Jimmy Carter came up to Washington after seeing LEAA waste at the State level and said "kill this turkey." So for over \$8 billion we got nothing to show for LEAA except we let Federal funds be wasted, while for \$1.3 billion we already have gotten 26,000 police through COPS.

Fourth, Bill Clinton is right. The war on crime is being fought principally at the local level and police are our foot soldiers, our marines, sailors, and airmen. I've heard all this mumbo jumbo about local flexibility. The last time I checked, 10 out of 10 people who call the police for help are calling for a police officer. There just isn't a better use of this crime bill trust fund than to hire more police officers. I don't want to see this money raided by Governors and local elected officials, I want it to go directly to sheriffs and police chiefs as is the case now.

Support for police always has been a solid, bipartisan value. I would urge my Republican colleagues not to become antipolice simply because President Clinton supports this program. You attacked the President in March 1993 because he proposed more money for community development block grants, and for days we listened to you list every wasteful project that could potentially be funded through block grants because of local flexibility. I urge you to get your staff to pull out the CONGRESSIONAL RECORD and to reread your own words. And I would urge you reread your statements regarding the crime bill. The distinguished chairman of the Judiciary Committee, among others, talked about the importance of getting 100,000 more cops.

The President will veto over the COPS Program alone. I support him. It is my hope that this program and the Drug Court Program will be restored during round two of this bill after the veto. I know Senator BIDEN will have more to say about this issue.

#### COMMERCE PROGRAMS

Second, this conference agreement terminates the Commerce Department's Advanced Technology Program [ATP]. It does not even provide funds for the Federal Government to make good on its prior year commitments to industry under ATP cooperative agreements. When we completed the fiscal year 1995 appropriations bill, we provided \$431 million for the ATP. In this bill there is no funding.

The ATP provides funds for cooperative agreements with industry to share the risk, on a 50-50 share basis for high-risk, precompetitive technologies that have potential for significant economic growth. What we are doing in this program is providing the necessary R&D that enables entrepreneurs and small companies to be able to take an R&D project from concept to proof of principle. It is a fully competitive program and every award is made by peer review

panels. Neither the President, the Secretary of Commerce, nor any Senator has the ability to influence which companies receive ATP awards. This program is run fully on the basis of merit.

Now, just meeting prior year commitments—that is to fund the Federal share of awards made before this year, requires appropriations totaling \$290 million. Again, I'm afraid this aspect of the conference report is about politics and not substance. This is about the former Democratic Party Chairman David Wilhelm making a comment something to the effect that "California is the end all and be all of politics and Ron Brown has the program." Yes, the fact is that many ATP awards do go to California companies, and Massachusetts companies and Pennsylvania companies. It shouldn't take a NIST PhD to realize that ATP awards are going to go predominantly to parts of the country that have concentrations of high-technology industry.

This is exactly the type of program we should be funding if we are going to compete effectively in the trade war, now that the cold war is over. Our Republican colleagues have shown that they do support many Federal technology programs, including NASA aeronautics, high-performance computing, and cooperative research and development agreements. They recognize that developing new precompetitive technologies is important to the long-term future of our country. This has been the case in other appropriations bills. So why oppose what is clearly one of the best-run Federal technology programs, one that is never porked, and one that already is leading to some major technical breakthroughs? Republican support for technology programs generally makes their decision regarding the ATP all the more regrettable and mistaken.

The President realizes the importance of ATP and that is exactly why the absence of ATP funding is another reason for him to veto this conference report. Even if my Republican colleagues will not agree to fund new ATP grants, it would only seem fair that they fulfill past years commitments made by the Federal Government.

Third, though this is not a veto issue, I strongly disagree with the conferees decision to terminate the U.S. Travel and Tourism Administration [USTTA]. I argued against the House position and for the Senate position which reflected the amendment that Senators BRYAN and BURNS had made to the bill in September. Unfortunately, my colleagues in the conference did not see the issue as I do.

USTTA costs only \$17 million a year and provides a lot of bang for the buck. Almost every other country maintains a tourism promotion program, and so should we. I created USTTA. It is simply too inefficient having every State in this country running its own tourism promotion effort overseas. And, in Greg Farmer, we have the most effective director of USTTA that we have ever had.

Tourism is big business and should not be given short shrift. It employs 6 million Americans and is the leading employer in 13 States. South Carolina is one of those States and we have almost 200,000 people employed in some aspect of the industry. This year we expect over 700,000 international visitors in my State.

I think this conference has made a big mistake.

#### LEGAL SERVICES

With respect to Legal Services, the conference agreement provides \$278 million instead of \$340 million as proposed by the Senate. I think Senator PETE DOMENICI deserves a lot of credit for having led the fight to save the Legal Services Corporation, when Senator GRAMM proposed terminating the Corporation. And, Senator DOMENICI was in charge of our negotiations with the House. I think he would be the first to say that when this bill goes to round two, Legal Services is an area we need to get more funding for.

Finally, I think it is obvious that the amounts provided for international organizations and U.N. peacekeeping are far below the level the President considers adequate. This is not a heartburn area for me, for years I have criticized U.N. peacekeeping as ineffective. It often seems in areas like Somalia and Bosnia, that United States forces are needed to rescue U.N. peacekeepers. The program just doesn't make sense.

But, I think it is clear that international organizations and peacekeeping will need higher funding levels if the President is going to ultimately sign this bill.

In summary, I want to acknowledge the hard work of Chairman GREGG and Mr. ROGERS and their staffs. I especially want to recognize the contributions of David Taylor, Scott Corwin, and Vas Alexopoulos, of the majority staff.

This represents the first CJS conference reports that I cannot support. I hope that the chairman will realize that this is because of decisions that were made by his leadership. Principally the termination of the Cops on the Beat Program and the ATP. I simply cannot support those decisions.

It is my hope that this bill will be sent to the President expeditiously. I fully expect that it will be vetoed. I believe that this will be only the second time in history that a CJS appropriations bill has been vetoed.

Then hopefully we could get on with round two and providing a bill that is acceptable to the President and one that can be enacted into law.

Mr. President, let me go to the Commerce Department itself because over on the House side, a colloquy was had yesterday, I guess, upon the enactment of this bill where statements were made with respect to abolishing the Department of Commerce.

There is a reference within the conference report itself on page 30, section 206—where the language could be envisioned as preparatory to abolishing the

Department—starting off with “should legislation be enacted.” That was a compromise on the word “should,” because I did not want anything anticipatory. When first presented, it was “when legislation is enacted.”

There has been no authorization for the dismantlement or abolition of the department itself. Yes, three times on the House floor they have voted for just exactly that—to the shock of this particular Senator—for the simple reason that if you go to the Constitution itself, article I, section 8, in enumerating the powers and authority and responsibilities of the national Congress, article I, section 8, first says that you can levy and collect taxes.

The second designated authority and responsibility would be to borrow money. Heavens above, we know how to do that around here. We are going to borrow \$348 billion to keep the Government going while we are talking about balanced budgets. That is sheerly out of the whole cloth.

The media have to be fast asleep on this particular point. I think it was Thomas Jefferson who said that as between a free Government and a free press, he would choose the latter. That is understandable because, yes, you can have a free Government that will not remain free long except with a free press. The free press owes the people, the body politic, the duty to expose nonsense, particularly the nonsense that is going on here of a balanced budget. There is no plan in the headline in the morning's paper to balance anybody's, particularly this Government's, budget.

If you look at the innards of the plan, you will find out that rather than cutting spending, spending increases this year; and that the measure is \$53 billion over last year. Starting off with the deficit, you are going with increased spending each year and increased spending over the revenues each year, which adds \$1.8 trillion to the national debt. And yet the media, press and otherwise, fall into the lethargy of parroting what the pollster politicians parrot—that if you say it again and again and again, buzzwords, buzz headlines, “balance,” “balance,” that it will be balanced. But it is far from being balanced, Mr. President. And so it is that, yes, duty No. 2 is to borrow money. And we respond generously.

Duty No. 3 in the Constitution is to regulate commerce. I point this out because you will not find that word “agriculture” or “housing” or “education” or “energy” in the U.S. Constitution. When the contract crowd came to town, they were going to get rid of all of them, the Department of Housing, the Department of Energy, the Department of Education, right on through. End the Department of Commerce. The one on the griddle now is the Department of Commerce. Why? Because the selfish business leadership wants deregulation and more money, capital gains.

I have listened to their leadership again and again saying, well, under the Congress we are concentrating or, namely, we do not want to bother the leadership unless we can get capital gains tax cuts.

We do not have any capital gains to cut, unless we can get deregulation. So we will not bother about the Department of Commerce because we do not think any Government in its right mind is going to do away with the front line of the struggle in the global competition for economic strength and influence. That is what it has turned into with the fall of the wall.

We have moved where the world could care less about the 7th Fleet and the atom bomb. Money talks. Economic power, influences. We are finding that out in our foreign policy. And the Department is charged, if you please, along with the State Department, to be more or less the front line of defense now, rather than the Pentagon, to get into the matter of dumping cases, the International Trade Administration, the Bureau of Export Administration.

Everyone is talking about exports, exports. You can go right on down the list of these important, particular measures in that global competition of patent and trademark. That is a matter of issue, all of these trade measures, and the argument of using the OMB and CBO, the gross domestic product, that Bureau of Economic Analysis, the Census of Manufacturers. All this work is being done in a very casual fashion. But they say get rid of it all.

We could go right on down with the Census Bureau, the National Institutes of Standards and Technology, the Economic Development Administration, the Minority Business Development Agency, the U.S. Tourism and Travel Administration—all of that is under a very, very aggressive and productive Secretary of Commerce.

I have been through some that have not been aggressive except to collect money. Invariably the Secretary of Commerce has been appointed from time to time to dun the business leadership for the money to run for reelection. On the contrary, this particular Secretary has been traveling and working and moving and shaking, creating jobs, a historic first in my 29 years on the Commerce Committee.

I think that it was the former chairman of the Democratic Party who was responding to the former Senator from Wyoming, Senator Wallop when he pointed out that Secretary of Commerce Brown had been out in California. In his response, he said California was “the end all, be all, of Presidential politics” and that the Secretary of Commerce, Ron Brown, was going to run it. And that is how we ran right straight into a wall with respect to everything about that department. And that is why it persists today in this particular measure as perhaps to be abolished. A horrendous thought.

But politics prevails around this town. And that is why it is there.

That makes me come right to the point of emphasizing the significance of the Department. I could do it by way of comparison. You can go right under this particular bill and you will find a measure, Mr. President, that never existed until the year before last, just a couple years here in over the 200-some-year history of this great Nation of ours. But we have had a Department of Commerce, or commercial effort, let us say—Teddy Roosevelt started it at the turn of the century. But we have had that designated responsibility and adhering and responding thereto. But here now we have what we call the Violent Crime Reduction Trust Fund. That is \$3,956,000,000. The Department of Commerce is \$3,444,000,000. If you abolish the entire Department on all these endeavors, you have not saved what this Congress just year before last started out anew.

That is why everybody talks about “cut spending, cut spending, cut spending.” But they are increasing it. And we cannot get it through the public mind. They run on “cutting spending,” but when they get here they continue to spend more, and more than the whole Department, an endeavor that has been in since the Constitution.

But let me go right to NOAA, because I was at an occasion here this past weekend, and a former Secretary—I said, “I understand that you said we ought to abolish the Department of Commerce.” He said, “Well, if we could blow up NOAA and get rid of it, that would do the job.” The poor gentleman does not understand at all the institution of the National Oceanic and Atmospheric Administration. And since I was participatory in its institution, let me refer immediately to the Stratton Commission report, “Our Nation and the Sea.” It has several volumes.

The former Secretary stated that he had talked to an oil friend of his, and the oil friend said that we could easily contract out for all those things being done by NOAA. The truth of the matter is, the oil industry was very, very much a participant. James A. Crutchfield was a professor of economics. We had Jacob Blaustein of the Standard Oil Co., who served on this. We had not only in the Stratton Commission the deans of schools of oceanography, but we had the industry itself, General Electric. We had the Environmental Science Services Administration. We had the Under Secretary of the Navy.

It was a most auspicious group for a 2-year study with the Stratton Commission report that said what we should do is organize the Sea Grant Program, the Bureau of the Fisheries and bring all of these particular endeavors—the Weather Service and, more particularly, the Environmental Science Services Administration—bring those in under one particular entity because 70 percent of the Earth's

surface is in the oceans. That is the beginning of weather, beginning of the environment, beginning of all the scientific studies, and what have you.

While everybody was enthused about the space effort, more importantly we should be orchestrating, organizing and emphasizing the oceans effort. We have been doing that for some 20 years before any NOAA in what we called the Environmental Science Services Administration in Commerce, the Uniform Coast and Geodetic Oceans Core at that particular time.

All that was blended into a very good, aggressive endeavor that sort of withered on the vine. I saw it happen because a Senator from an inland State that never saw the ocean took over the Commerce Committee. He did away with the Subcommittee of Oceans and Atmosphere that we had within the committee. And otherwise, at least financially, we have gone downhill.

The Coastal Zone Management Act took 3 years of hearings and has really responded to the Stratton Commission report, such that by the year 2000, we are going to have 85 percent of all Americans living within 50 miles of the oceans or the coast of the Great Lakes.

And we had to plan with respect to where the industry was going, where the recreational systems were going, where the power systems were going, where the fisheries were going, where the urban sprawl was going, and everything else, while at that particular time they had a gentleman, John Ehrlichman on President Nixon's staff, who was looking for a land use measure and opposing, incidentally, this particular institution of NOAA because he wanted his land use.

The Attorney General and President Nixon got together with Dr. Stratton, and by reorganization plan No. 4 in 1970, put forth a very responsive and responsible entity in the National Oceanic and Atmospheric Administration. We need a restudy, a return, so to speak, of the Stratton committee report and many of us in the ocean policy study believe that should be done.

But in restrictive budgets right now, we have sort of held back. You do not blow up the endeavors of the National Oceanic and Atmospheric Administration and thereby solve the problems, as they see them, of the Department of Commerce. You do not disassemble and assign Census over here and some other Bureau officials back over here and break it up because somebody is trying to get rid of the Government. And if we cannot sell buildings—and I do not know the building in the contract they were supposed to sell—they say we have to get rid of Departments. We could not get rid of Education, we could not get rid of Housing but we have to get rid of Commerce, they say.

On the Senate side, they did not even want to debate it. They put it off at the time because the so-called authorization was coming up. This Senator is ready to debate it at greater length when that measure arises, but we do

not treat casually a fundamental endeavor in the U.S. Government at this particular time.

I was going to emphasize some of the things with respect to Export Administration and the Census Bureau. There is an ongoing effort to abolish the Economic Development Administration. That has been recommended for about 15 years, and we have to withstand the onslaught there, because it is a sort of "but if" endeavor that brings about development at the local level that economically has proven its worth. Republicans and Democrats, both sides of the aisle, oppose that.

I just want to say a word about the U.S. Travel and Tourism Administration.

Before I get off of the Economic Development Administration, incidentally, we had the Defense Conversion Act which assigned some \$90 million to the Economic Development Administration. I guess we will get into the Economic Development Administration's responsibility relative to defense conversion when we talk about the Advanced Technology Program and when we talk about other measures.

Let me say a word about the U.S. Travel and Tourism Administration. I never will forget the campaign of 1960 when President Kennedy was nominated, and I happened to be, at that time, in conversation with the President-designate. He said, "I'm going to appoint your friend, Luther Hodges, as part of the Cabinet."

I said, "Mr. President, look, Luther is not a politician politician, he is a businessman politician." He had been president of Marshall Fields in the textile division, the New York City Rotary Club and otherwise. He had come down to South Carolina, led the South in economic and industrial development, changing over from an agricultural economy. And he said, "Well, good, I will put him in as Secretary of Commerce."

And thereafter Secretary of Commerce Hodges came and said, "Well, you got me this thing, what can I do?"

I said, "Well, tourism is a fledgling industry now, but it is beginning and going and growing and we really need national coordination." There is not any question that the States themselves—some of the bigger interests of what I am speaking of, Senators BRYAN and REID from Nevada, even Senator PRESSLER from South Dakota, the chairman of our committee. When they have a trade show in downtown Cairo, there is no reason for 50 States to show them how to cook an American barbecue. They all try. We wanted to coordinate that and, from time to time, pick different ones and have a nationally coordinated effort and direction.

So it was an investment of \$17 million. Secretary Hodges instituted the U.S. Travel and Tourism Administration. It now is worth \$7 billion to the economy, is the largest industry in my State and in many, many other States, and ranks right at the top of all en-

deavors in the United States. But to get symbols or trophies or get rid of something, they just pell-mell said, "Let's get rid of the U.S. Travel and Tourism Administration." It is a bad, bad mistake to try.

Otherwise, the Advanced Technology Program is easily explained with respect to our competition in the global economy. Everyone should read "Blind-side" by Eamonn Fingleton on Japan and how it is operated by the Ministry of Finance and all industry has the Government directing its research. We give a minimal kind of research and development tax writeoff. It should be made permanent and greater, but, in any event, we need a national effort to stay on top of the U.S. technological lead.

We do not prevail in national defense by manpower. The Chinese, the Soviets have always had more men than we have had, but we have always maintained as a superpower by the superiority of our technology. The same is going to be true in this, I just call it bluntly, trade war, economic struggle for development the world round.

And so we—I say we, Senator Danforth and myself—really studied it to make sure it was not pork. It was not included in an appropriations bill where you cannot find it. On the contrary, the industry itself must come with an application and 50 percent of the money in hand. Thereupon, it is reviewed by the National Academy of Engineering and, on peer review, the award is made, not by the Secretary of Commerce politically or the White House over a telephone call by the President, but on a competitive basis, on a peer-review basis and, therefore, it has maintained its integrity.

I have really stonewalled efforts on the House side as chairman and now as ranking member of this particular subcommittee that we were not going to write in any of those particular programs in our bills. We were not going to have pork, and it was done extremely well.

There have been some 276 awards made. I remember when the textile industry of my own State came and asked for support on a research endeavor, and I want to make this record so they will all look at it closely. They came before the National Academy of Engineering and could not qualify for the Advanced Technology Program, so they went over to the Department of Energy, got money and they got a \$350 million research endeavor at Livermore Laboratory out in California under the Department of Energy where it could not qualify in the Department of Commerce. I know that intimately because of the genesis of the program and my position on the particular committee.

So we have been very cautious. When you get rid of the Advanced Technology Program, which I think would be one reason the White House has indicated a veto, everyone should understand why. Very minimal effort, but



very, very important effort being made there.

Let me move, Mr. President, if you please, to the Cops on the Beat because I have not spoken at length, and the distinguished chairman of the Judiciary Committee, who has led the program itself, the institution of it, the Senator from Delaware, Senator BIDEN, will be. He has a couple of hours reserved. Members of his committee will be speaking on that point. But, yes, I have an experience with respect to block grants.

First, block grants are not authorized. Senator GREGG and I, when we met, we did not have that much of a stonewalling on different programs because they were not authorized, but we have experienced it in other conferences. The House Members, adhering to their authorizing committees, say we agree with you, we want that done, it cannot be in the conference report. It is not authorized. I have heard that for years on end—for 18 years, as either ranking member or chairman of this particular subcommittee on appropriations. This is not authorized. When it came up, the discussion on the Senate side for authorization, they passed that over. They did not want to debate that one. It is not authorized, not on the Judiciary Committee, and everything else. So here, trying to write in, you could raise a point of order under the rules, but we are not trying to waste time.

We ought to be home for Christmas right now. Something is wrong with this crowd. They do not understand life itself. They want to start meetings at 6 o'clock. They must not have a home to go to. At 6 o'clock, everybody else is home trying to get supper and go to bed and see the children, or otherwise. But not this group. They think, for some political reason, we ought to stay around and show that we are working hard late at night. But we are not paying the bills or getting anything done. They have not authorized block grants with respect to this one.

Now, they did under President Nixon. They called it the Law Enforcement Assistance Administration, or something, LEAA. We gave up the block grants. And I will never forget when President Carter came to town. He said, "Kill this turkey." It was an embarrassment. They were putting tanks on the courthouse lawn in Hampton, VA. I do not know who was going to attack the courthouse. They were buying airplanes to fly to New York to buy spring clothes for the Governor's wife, and they were giving out consultants. It was a good little political pork pot, where you could get anybody as a consultant. There were consultants all over everything. We spent \$8 billion and we got nothing. We have done this.

There is no education in the second kick of a mule. There is no use trying to go through this one because somebody put it in the contract. The only reason it is in the contract is they are trying to get on top of the message

that "We Republicans are more for crime control than Democrats are." The Democrats have the policemen on the beat program. There is nothing wrong with that, but "we want to put in our crime about the contract."

Nonsense. But that is what we have to go through with—it is not authorized—and try to change the entire program around, where again, the local law enforcement has to come with 25 percent of the money. And after 3 years, they are going to have to take it over. We have 26,000 cops on the beat.

I have been in law enforcement. For 4 years, I was the chief law enforcement officer in my State. I know it intimately. I can tell you that this is a wonderful endeavor that is working, nonpartisan-like. All these law enforcement officers and entities all endorse these block grants. But it is like delivering lettuce by way of a rabbit. By the time the police chief sees where his money is, yes, he might buy an extra radio, or get a consultant, or he might never get talked to. He will never see an additional officer on the beat. So we have done that. Let us not waste time and money on cops on the beat.

There is another endeavor I should emphasize in the opening statement, and that is the Legal Services Administration, and that I have had experience there. There have been those all the way back when it was first instituted, back years ago, when Legal Services—I will never forget I had to work with Senator Javits of New York on this one, and we had to enumerate the duties of domestic cases, landlord cases, employment cases, and otherwise, because we found that in going and sending money back to the Legal Services Corporation, they were hiring the demonstrators to come up here on the Capitol steps and call the Congress a bunch of bums on account of Vietnam. So we thought it was not quite smart to be financing our own opposition, and it certainly was not the intent; it was to get money in the hands of poor folks, who should get their day in court and could not because they did not have any money.

It was really started by the American Bar Association when our friend, Justice Lewis Powell, was then a practicing attorney and President of the American Bar. In one endeavor to try to get rid of it, we brought Justice Powell over, and they realized the authority and the thought and the responsibility of the endeavor that they more or less abandoned the idea of getting rid of Legal Services. But farmers do not like the poor migrant worker—who may be cheated out of his money and who has to move on and cannot take care of his family and everything else—getting a lawyer. So the farm crowd—I know them, I have them in my State—do not like that migrant worker. They can cheat him, run him off, do not give him housing, or anything else. He does not know anybody in your community or have any con-

tacts there. Get rid of him. They do not like it, so get rid of Legal Services. It is the same thing in these big cities, with landlord-tenant problems. They never fix the pipes that freeze over, and they are trying to get water and everything else in there, and heat for the children. Throw them out on the street and, surely, do not give them a lawyer.

Come on. We know there is opposition to Legal Services. But, fortunately, on the Republican side we have the leadership of the former chairman of the subcommittee, PETE DOMENICI of New Mexico, and he led the fight. I am sorry we did not get enough money. The chairman of our subcommittee tried, and I tried, but we could not get any more. It is inadequate. We are looking at a veto on the second go-around. This is going to be a subject for concern and perhaps increase, hopefully, because it is a tried and true program. We put the language in. I agreed with the former chairman, the Senator from Texas, Senator GRAMM, that we should not use money to sue the State of New Hampshire.

I have watched these things every time you have these crowds that come around and want to grab the poor people's money and bring a mass action and go to the Supreme Court, and the lawyers sit around and eat it all up. They have enough money, those charitable legal defense funds, and everything else. Leave our Legal Services Corporation alone and do not sue the Governor or the legislature. That is for poor folks, not rich folks sitting around in Washington with their think tanks.

Senator GRAMM was correct, and I went along with him. I think that when we come on the second go-around, we are going to have to really beef up the Legal Services Corporation. There is a tremendous need now in our country, and we should not be cutting it back or trying to abolish it.

Finally, I will soon terminate and try to retain my time for others. Mr. President, we have the State Department that is the front line with that Commerce Department. With the fall of the wall, we ought to be extending democracy, freedom, and human rights to the world around with our Department of State. They finally are falling in line on a business basis.

You had the diplomats in years gone by where they were annoyed with American industry and business trying to get business in a foreign land. Now, under Secretary Christopher and under Secretary Brown, they are working in tandem, because they have to if we are going to survive. They are working in tandem, trying to open doors now by business leadership so they can compete.

We need these embassies around. They are trying to close down Edinburgh, Scotland. Bad mistake. They are trying to close down Florence, Italy. The educational institutes of this land—they have some 10,000 American students there. There are various

cases and visa matters and everything else coming back. Close it down and run it through Rome, you will spend more money, sell the property and lose it.

So we have tried our best, yes, to close those that are not needed, open up the new ones in the 14 Republics of the former Soviet Union, but more than anything else, strengthen our consular service and cut out all the Departments of Government, keeping their endeavors upon the Department of State.

Specifically, there is no reason—go down to Caracas, Venezuela; they want the FAA to have something go down there, and then the head of the FAA has a reason to go and travel to South America. The IRS would like to come in and they would like to have offices around in foreign lands, and then the hierarchy of IRS can get in a plane and they can travel around.

Now, we have the FBI, which I think is a mistake, because you have the CIA, and the FBI is going to be arresting CIA agents. You watch it. We have always tried to keep that division with respect to intelligence. With respect to law enforcement, do not ever put your law enforcement in another man's country. It is ineffective. It is a mistake. But they are now endeavoring to put FBI around there.

They ought to put them down on 14th Street in this city. We do not have enough law enforcement. That is why we have the Cops-on-the-Beat Program. We have enough crime in America, much less chasing it around in the various lands.

But they like to travel. When they do, the poor Ambassador is the landlord, and he looks around and he has more and more and more people assigned to him and half of his budget is already gone; there is a housekeeper in the embassy and he cannot get his work done.

Mr. President, I hope we can cut back on some of that that is going around. If we want to try and help the State Department, we ought to embellish their effort. We ought to acknowledge very genuinely, Senator GREGG, the chairman, Mr. ROGERS, and their staffs on the other side. It goes without saying Scott Gudes on my side, I could not operate without him, and we have David Taylor, Scott Corwin, Lula Edwards, and Vas Alexopolous on the majority staff. So we look forward to a very compatible working together on this particular measure.

It has 128 entities in it. You have the special Trade Representative, you have the Arms Control and Disarmament Agency. They could really spend the day talking about what we have done, how we cut back on the money. We have cut back; it is far less. This is \$1.5 billion less than what the President of the United States asked for. We have been in step with the "seam," so to speak, of the revolution with the cut in spending. The distinguished chairman and I both believe we should cut spend-

ing, but it should be done in the right places.

I could go right to the point of the International Trade Commission. Why have a jury find the fault of a dumping violation and then have a different jury find the actual sentence or injury? In fact, there are a bunch of sycophants that are fixes for "yack-yack" free trade. There is no such thing, but every time we find a dumping violation they can never find an injury. We can save \$43 million getting rid of that crowd, let the same entity, namely, the International Trade Administration—be like the jury in a case that finds the guilt also decides the sentence. You do not waste time and have another bureaucracy reexamining.

There are many places that we can go along with the spirit of the revolution in the Contract, but this is not one of them, where you want to abolish the Department of Commerce.

I reserve the balance of my time.

Mr. GREGG. I suggest the absence of a quorum. I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask unanimous consent a statement of administration policy on this particular bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### STATEMENT OF ADMINISTRATION POLICY

H.R. 2076—COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 1996

(Sponsors: Livingston (R), Louisiana; Rogers (R), Kentucky; Hatfield (R), Oregon; Gregg (R) New Hampshire)

This Statement of Administration Policy provides the Administration's views on H.R. 2076, the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, FY 1996, as approved by the Conference Committee. Your consideration of the Administration's views would be appreciated.

The Administration strongly opposes several aspects of the Conference Report. For the reasons discussed more fully below, the President would veto the bill if it were presented to him in its current form.

The bill would provide insufficient funds to support the important activities covered by this bill. It would undermine our ability to fight the war on crime and to support international organizations and peacekeeping activities; decimate technology programs that are critical to building a strong U.S. economy; and cripple our ability to provide legal services for disadvantaged individuals.

#### PROGRAMS TO FIGHT CRIME

The bill would eliminate the COPS program and, instead, fund a law enforcement block grant program that would allow spending on anything from street lights to public works projects. The American public has

shown a clear desire for additional police to work hand-in-hand with communities to fight crime. The block grant approach would not guarantee a single new officer. COPS is a proven success and should be maintained as a separate discretionary program. The COPS program has reinvented Federal grant making, putting grant monies into the hands of local agencies on an expedited basis. A block grant program cannot accomplish what the current program has done.

The President would not sign any version of this appropriations bill that does not fund the COPS program in its authorized form.

Similarly, the bill fails to ensure funding for important crime prevention activities, most notably so-called "drug courts," the Community Relations Service, and the President's Crime Prevention Council. In addition, there are reductions below the request for the President's immigration initiative. The Administration urges the Congress to support increased funding for these vital programs, as well as the continuation of the Associate Attorney General's Office.

The prison grants "Truth in Sentencing" provisions of the bill would disproportionately and unfairly benefit a small number of States, deprive some States of any funds, and harm many States—including some with very strong sentencing policies. In addition, the provisions would generate delay in the awards of much needed prison grant funds for all States.

#### TECHNOLOGY PROGRAMS OF THE DEPARTMENT OF COMMERCE

The Administration urges the Congress to support the technology programs of the Department of Commerce that work to expand our economy, help Americans compete in the global marketplace, and create high quality jobs. The conference level would eliminate funding for the Advanced Technology Program (ATP) and prohibit new awards, which is unacceptable to the Administration. ATP is a highly competitive, cost-shared program that fosters technology development, promotes industrial alliances, and creates jobs. Eliminating ATP funding would force wasteful cancellation of ongoing research projects before they are complete. The ATP program was created with bipartisan support, which it continues to deserve.

The bill also would sharply reduce funding for the National Information Infrastructure (NII) grants program. The NII program assists hospitals, schools, libraries, and local governments in procuring advanced communications equipment to provide better health care, education, and local government services. The conference level would eliminate funding for the GLOBE program, which promotes knowledge of science and the environment in our schools. The Administration is also concerned about reductions below the request for the Manufacturing Extension program.

The Administration is concerned with the funding levels provided for the Technology Administration to fulfill the U.S. Commitment for the U.S.-Israeli Science and Technology Commission and to maintain valuable technology analysis and advocacy work at a time of increasingly fierce global competition. The Administration seeks additional funding for economic and statistical analysis and for the Census Bureau. In addition, we are concerned about the level of funding for the Economic Development Administration Defense Conversion program.

#### LEGAL SERVICES CORPORATION

The Administration is greatly concerned with the conference funding level for the Legal Services Corporation (LSC), which would cripple the ability of the Corporation to serve people in need, and urges the Congress to restore funding for the Corporation.



The Administration does not support the excessive restrictions on LSC operations contained in language provisions in the Conference Report. The restrictions imposed on the representation of clients unduly limited their access to the justice system. An allocation of \$9 million for management and administration is essential to permit Corporation management to meet its statutory responsibilities, which include for the first time the awarding of grants on a competitive basis.

#### INTERNATIONAL PROGRAMS

The Conference Report includes a 50-percent reduction to Contributions to International Peacekeeping Activities and a 24-percent reduction to Contributions to International Organizations, which fund the treaty-obligated U.S. share of activities of the United Nations, International Atomic Energy Agency, NATO, and others. These activities support important U.S. national security and foreign policy interests including, among others, the Middle East (including Israel's borders and Kuwait/Iraq), weapons nonproliferation and safeguards activities, sanctions against international renegade countries, promotion of an open international trading framework, control of diseases such as Ebola viruses, and promotion of human rights. These reductions would impair the ability of the U.S. to carry out and safeguard important U.S. interests around the world. Also, without restoration of funding for these accounts, the Administration would be severely hindered in the pursuit of much needed reforms at the organizations.

In addition, other international affairs programs of the Department of State, the Arms Control and Disarmament Agency, and the United States Information Agency, are reduced to levels that would hinder the execution of important national security and foreign policy activities. Finally, the Administration regrets the inclusion of extraneous language in the bill related to the presence of U.S. Government facilities in Vietnam.

#### OTHER ISSUES

The Administration objects to section 103, which would prohibit the use of funds in the act for performing abortions, with certain exceptions.

In addition to the issues discussed above, the Administration would like to work with the Congress to address the other concerns that were outlined in the conferees letter of November 6, 1995.

Clearly, this bill does not reflect the priorities of the President or the values of the American people. The Administration urges the Congress to send the President an appropriations bill for these important priorities that truly serves the American people.

Mr. GREGG. I yield 10 minutes to the Senator from North Carolina.

Mr. HELMS. I certainly appreciate being yielded to by the distinguished Senator from New Hampshire. I thank the Chair.

Actually, I came to the floor at this moment to pay my respects to Chairman GREGG, who is our distinguished colleague from New Hampshire, for his having brought the Commerce, Justice, State appropriations conference report to the floor. I know he enjoys working with our distinguished friend from South Carolina who has been here 29 years and who is still the junior Senator from North Carolina, but FRITZ HOLLINGS is a wonderful friend, as well.

Both Chairman GREGG and Chairman GRAMM, who recently inherited the CJS issues, have done outstanding

work in consulting and actively cooperating with the authorizers of the Senate Foreign Relations Committee.

Now, Senator GREGG served on the Foreign Affairs Committee before accepting his current responsibilities on the Appropriations Committee. I have to say to him, we miss the distinguished Senator from New Hampshire on the Foreign Affairs Committee, but we are grateful, as a member of the Senate Appropriations, he remains a strong and steadfast advocate for the concern of the American people relating to foreign policy.

While the CJS conference report does not contain everything that I wanted, it is consistent with the thrust of S. 908, the State Department reauthorization bill. A great many of us have worked hard to craft the legislation to prepare the Department of State for the challenges of the future.

I confess, from time to time, Mr. President, I have been discouraged that the administration and many of our colleagues on the other side have deliberately blocked every effort to permit the Senate even to debate and vote on this important reorganization legislation.

I have been encouraged by recent events that we may finally see a Senate vote on a State Department authorization bill, perhaps as early as this evening or tomorrow.

We shall see about that. The actions of the CJS appropriators have been instrumental in causing the administration to recognize that the issue of reorganization and consolidation is not going to go away.

I am very appreciative of the actions of Senator GREGG and Senator HOLLINGS and others to stipulate that this appropriations conference report waives authorization only until April 1, 1996. Now, this key provision will require the administration and the Congress to act on an authorization bill for 1996.

Without an authorization bill, the authority to spend appropriated funds for the State Department and other related agencies will expire on the first of April next year.

Now, as I mentioned earlier, the issue of reorganization and consolidation of the foreign policy apparatus of the United States is not going away. Every day that the administration refuses to plan for the future, the State Department is going to pay a price for it.

I hope that we can move the authorization bill into conference to provide the administration with the authority and the flexibility needed for a successful restructuring of its operations. If President Clinton does not find this legislation acceptable, he will provide the Senate with yet another opportunity to revisit the consolidation issue on this appropriations bill.

In any event, it is my understanding that the administration opposes this conference report because, first, it provides \$223 million less for international operations spending; second, it reduces

the President's request for peacekeeping operations by \$220 million; third, it cuts the State Department salaries and expenses spending by \$50 million; and, fourth, the President does not like it because it reduces the State Department's foreign building spending by \$36 million, including a \$60 million rescission. The fact is, this conference report requires the administration to cut spending, and that is what the President does not like. That is what the whole argument has been about all along. I wish it could also force the President to reduce the size of the Federal bureaucracy, but we can work on that later.

However, as a practical matter, Senator GREGG's initiatives to reduce funding levels in this bill will require the administration to restructure its efforts so as to meet reduced funding levels. H.R. 2076 is approximately \$500 million below the authorization levels of the Senate Foreign Relations bill. At a time when the Federal Government is approaching the \$5 trillion Federal debt mark, the work of Senators, like Senator GREGG and Senator HOLLINGS and others, is most encouraging.

At my request, and I am so grateful to him, Senator GREGG included a 4-year extension of the Au Pair Program. There is a similar provision in S. 908, the State Department reorganization bill. The Au Pair Program expired on September 30, and that has caused great hardship among many working parents. Senator GREGG agreed to include the extension of the program in the appropriations bill, since Au Pair enjoys wide support.

So, in summation, I come here to thank the two managers of the bill. My friend, Senator GREGG, has particularly been helpful, working with me. He has made some very wise and reasonable decisions in this bill. I congratulate him. I congratulate Senator HOLLINGS, and I urge our colleagues to support the CJS conference report.

Mr. President, if I have time remaining, I yield it back and I thank the Senator.

Mr. GREGG. Mr. President, I thank the Senator from North Carolina for his generous remarks. His assistance and guidance and thoughts on this bill were extraordinarily helpful to me. Obviously, coming to this bill at a late date, it was very nice to have the chairman of the Foreign Relations Committee there to give me his thoughts and help us in crafting the bill. I very much appreciate that.

At this point, I will suggest the absence of a quorum—

Mr. HOLLINGS. If the Senator will withhold just a minute, the Senator from North Carolina, the chairman of our Foreign Relations Committee—let me say publicly, which I have told colleagues along the line, the initiative of our distinguished chairman of the Foreign Relations Committee to blend in

the U.S. Agency for International Development Program, the U.S. Information Agency, the Arms Control Disarmament Agency, and the other particular programs that they have in the Department of State is, I think, a salutary initiative on the chairman's part.

I have worked the budgets. Specifically, if they appointed me the Under Secretary of State in charge in Africa, I could look over and could designate the needs. At the present time, if I did, the AID Director would say, "Oh, no, this is where we are going to put it." And he has all the money.

We need a coordinated effort. We can save, really, millions with the particular initiative. I happen to know, as he knows, five Secretaries of State have recommended this. I intend to support the distinguished chairman of our Foreign Relations Committee. I state that as having been at the financial end of these endeavors on appropriations for over 25 years now.

Mr. HELMS addressed the Chair.

Mr. GREGG. I yield to the chairman as much time as he desires.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I have enjoyed working with both of these Senators—a little longer with Senator HOLLINGS, because he and I have been around here longer. But the Senators from New Hampshire and South Carolina are remarkable Senators. And I appreciate your comments, Senator HOLLINGS. I thank Senator GREGG.

Mr. GREGG. Mr. President, at this point I suggest the absence of a quorum and ask the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I yield 15 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Thank you, Mr. President.

Mr. President, I rise today to urge my colleagues to support passage of the Commerce, Justice, State appropriations bill as it has come from the Appropriations Committee so that we can get it to the President. As everyone is well aware, the President has signaled that he will veto this bill. We need to pass the bill and then begin the task of fixing any of the remaining problems contained in this legislation.

We are at a watershed moment in this Nation's history. We are deciding whether or not we will have a balanced budget or whether we will continue to plunge our Nation into debt and mortgage our children's futures. This bill represents one piece in the puzzle to achieving a balanced budget. While im-

perfect, this legislation nevertheless represents an honest effort to achieve a fiscally responsible Federal budget.

Of course, there are programs that I would like to receive more money. I am sure there is not a single person sitting in this Congress who would not want to spend more money on some particular program or issue. This bill, however, represents a compromise between our desires, and our true, fiscally responsible, law enforcement needs.

To my colleagues that voted for the balanced budget amendment, I would ask them to vote for this bill. To my colleagues who voted against the amendment, but believed we needed a balanced budget and could achieve such a budget, I tell them now is their hour. Now is the time. This is an opportunity for them to prove that they can exercise the discipline and restraint needed to achieve a balanced budget.

Even with the cuts necessary to achieve a balanced budget, I would note that the Department of Justice receives a nearly 20-percent increase over fiscal year 1995. The violent crime reduction trust fund, moreover, will be increased by some \$1.6 billion. While the conference bill does not provide federal law enforcement with as much money as I might otherwise want it to, it nevertheless represents an enormous commitment to fund core federal law enforcement programs.

For example, the conference report provides the Immigration and Naturalization Service with nearly \$2.6 billion. This represents a 23.5-percent increase over fiscal year 1995 enacted levels. The conference agreement provides funds for 800 new Border Patrol agents and 160 new support personnel.

If you look at this chart, the Department of Justice budget authority between 1990 and 1996, you can see that it is going up dramatically from around \$8¼ billion up to almost \$16 billion. It has almost doubled in the last 6 years. So we are spending an awful lot of money, and I think doing it in the right way.

The bill also increases, by some 1,400 positions, personnel dedicated to apprehending, locating, and deporting illegal aliens.

The FBI receives over \$2.5 billion, a 9.8-percent increase over 1995 enacted levels. Additionally, construction funds are provided to renovate the FBI Command Center, to modernize the FBI Training Academy for use by Federal, State, and local law enforcement officers, and to begin construction on a new FBI laboratory.

Similarly, the U.S. attorneys offices receive an over 8.5-percent increase in funds compared to the 1995 enacted levels.

The DEA receives some \$806 million, a 6.4-percent increase over last year. This provides DEA with funds to improve its infrastructure and to better support investigative efforts.

In addition to these law enforcement expenditures, the bill also fully funds

the Violence Against Women Act, legislation that I worked on with Senator BIDEN to get passed last year. As most of my colleagues are aware, I have long opposed programs I believed were mere pork projects. In fact, I led the battle against last year's crime bill because I felt that it had ballooned in terms of unjustified costs. The Violence Against Women Act, however, is an important program that deserves to be fully funded. The act provides funds for: rape prevention education; battered women shelters; the investigation and prosecution of domestic violence and child abuse in rural areas; treatment and counseling programs for victims; and grants for developing community domestic violence and child abuse education programs.

These programs are vitally important. Prosecutors and police officers must become more sensitized to the problem of violence against women. Women who are abused by their spouses must have a place to stay and must have counseling available to repair their shattered lives. Resources need to be channeled to stem the tide of violence directed against women.

According to Justice Department data, nearly a half-million women were forcibly raped last year. Some studies estimate that the total number of rapes, including those not reported to authorities, may exceed 2 million.

Similarly, domestic violence strikes at the heart of the most important political unit in America—the family. The family should be a safe harbor for those tossed about by the storms of life, not a place of abuse or degradation.

The act is one small, albeit vital, step toward addressing the problem of family violence, and violence against women generally. A vote for this conference bill means a vote to combat violence against women.

The conference bill also contains legislation I introduced with the distinguished majority leader to reform frivolous prison litigation. This landmark legislation will help bring relief to a civil justice system overburdened by frivolous prisoner lawsuits. In 1994, over 39,000 lawsuits were filed by inmates in Federal courts, a staggering 15-percent increase over the number filed the previous year. The vast majority of these suits are completely without merit. Indeed, roughly 94.7 percent of these suits are dismissed before the pretrial phase, and only a scant 3.1 percent have enough merit to reach trial. In my home State of Utah, 297 inmate suits were filed in Federal courts during 1994, which accounted for 22 percent of all Federal civil cases filed in Utah last year. The crushing burden of these frivolous suits is not only costly, but makes it difficult for courts to consider meritorious claims.

Indeed, I do not want to prevent inmates from raising legitimate claims. While the vast majority of these claims are specious, there are cases in which prisoners' basic civil rights are denied.

Contrary to the charges of some critics, however, this legislation will not prevent those claims from being raised. The legislation will, however, go far in preventing inmates from abusing the Federal judicial system.

They will have to pay something to file these charges, and that stops a lot of the frivolous cases right there. And there are other mechanisms that will make them think twice before they file frivolous law suits.

This legislation will also help restore balance to prison conditions litigation and will ensure that Federal court orders are limited to remedying actual violations of prisoners' rights, not letting prisoners out of jail. It is time to lock the revolving prison door and to put the key safely out of reach of overzealous Federal courts.

As of January 1994, 24 corrections agencies reported having court-mandated prison population caps. Nearly every day we hear of vicious crimes committed by individuals who should have been locked up. Not all of these tragedies are the result of court-ordered population caps, of course, but such caps are a part of the problem. While prison conditions that actually violate the Constitution should not be allowed to persist, I believe that the courts have gone too far in micro-managing our Nation's prisons.

This bill also contains important changes to the Prison Grant Program. The conference bill provides nearly \$618 million in grants to States to enable them to engage in the emergency buildup of prison space and to encourage the States to adopt tough truth-in-sentencing laws. In contrast, the President requested only some \$500 million for prison grants.

The conference bill makes four key changes to the prison grants provisions included in the 1994 crime bill:

First, it authorizes significantly more resources to assist the States in implementing a much-needed emergency buildup in prison and jail space.

Second, it removes onerous and unnecessary Federal strings that were attached to the 1994 grant program, and that would have eaten up a significant portion of the grant money provided.

Third, it ensures that the Federal money will be used to increase available prison space, instead of permitting the funds to be used for a variety of so-called alternative sanctions, which would have left the States in the same dire need of prison space at the end of the grant program as they are now.

Finally, it includes meaningful incentives—not mandates—for the enactment of State truth-in-sentencing laws.

Prison crowding in many of our States has reached crisis proportions. The average prison system in the United States is operating at 112 percent above its rated capacity. In 24 States, prisons are under court-ordered population caps. And, in 1993, an estimated 21,000 inmates in 18 States were released under so-called emergency re-

lease programs to relieve crowding—the "Corrections Yearbook," 1994. In other words, 21,000 criminals were returned to the streets not because they were no longer a threat to law-abiding citizens, but merely because there was not enough room to keep them in prison.

The Federal Government, of course, cannot solve this crisis for the States. But it can and should provide meaningful emergency assistance.

This bill also provides meaningful incentives for States to enact truth-in-sentencing laws. At least 50 percent of the funds under this program are reserved for States that practice truth in sentencing. It is appropriate for the Federal Government to encourage the States, through the provision of extra funds, to adopt truth-in-sentencing laws that honestly tell citizens—and warn criminals—what the penalty is for breaking the law. This does not mean that the Federal Government should dictate any particular sentencing system or sentence length. But it does mean that those States with criminal justice systems that mean what they say should be rewarded.

I would like to briefly dispel a misconception about this truth-in-sentencing provision. Some of my colleagues are concerned that this provision will mandate that States adopt long sentences that they cannot afford to impose. This is simply not the case. The issue is not sentences of any particular length, rather, it is truth in sentencing. Recent data from the Bureau of Justice Statistics demonstrate that as of 1991, State prison inmates serving sentences for violent offenses expected to serve less than half of their sentences.

The data also show that the inmates' expectations were accurate—violent prisoners released in 1994 served an average of only 46 percent of their sentences—"BJS Selected Findings, Violent Offenders in State Prison: Sentences and Time Served, July 25, 1995." Moreover, in 1991, the Department of Justice reported that the average murderer was sentenced to 20.5 years, but served only 7.7 years; the average rapist was sentenced to 13.3 years, but served only 4.6 years; and the average robber was sentenced to 9.9 years, but served only 3.3 years. This is outrageous.

Continued public confidence in our criminal justice system requires that sentences mean what they say. A 20-year sentence should not mean release in 7 years, once a person has committed a murder and been convicted of it. This legislation will provide the States with grant incentives to ensure that violent criminals serve the sentences imposed.

Furthermore, Federal incentives work. A recent report from the National Institute of Corrections stated that of the 29 States that considered truth-in-sentencing legislation in the 1995 legislative session, 60 percent reported that Federal incentives were a

significant factor, and 20 percent reported that these incentives were the main or only factor.

Thus, even under last year's weaker truth-in-sentencing provisions, progress is being made. However, this bill is necessary to protect those gains and ensure that they continue. Under last year's bill, States may qualify for truth-in-sentencing funds by enacting laws providing for truth in sentencing only for second-time violent offenses.

Even more astonishing, States that do nothing to change their laws could end up with a chunk of the truth-in-sentencing grants by simply waiting for the funds to revert to the general grant fund, as the last year's bill provides. Keeping faith with the States that have made legitimate strides in their area requires that we eliminate these potentially unfair loopholes.

It is also vital, however, that we provide allowances for differences among state correctional policies, and not penalize States that practice indeterminate sentencing, yet do an admirable job of keeping violent criminals off the streets. My home State of Utah, for example, employs a release guideline system that allows the board of pardons to keep the worst criminals off the streets longer than would be possible in many determinate sentencing systems. This amendment accommodates successful indeterminate sentencing States.

Finally, I would like to address the law enforcement block grant proposal. While I do not fully support the language of the current proposal, I nevertheless believe we should pass the conference report and fix the problems after the President returns it to us. This proposal improves, at least in certain respects, the administration's so-called COPS Program. I understand that the President prefers the COPS Program, but I believe that a block grant program better supports the local communities law enforcement needs.

To begin with, this program moves us away from the Washington-knows-best philosophy. The proposal returns responsibility to frontline local law enforcement officials. If, for example, a community believes community-oriented policing works best in its jurisdiction, it can hire police officers and structure a community policing program. If, however, the community needs bullet proof vests or communications equipment, it can buy that equipment with these funds.

A serious problem with the so-called COPS Program is that the award is entirely discretionary. It lacks a solid formula and instead depends upon the good graces of Washington bureaucrats to distribute the money.

The conference report, however, establishes a formula to distribute the money on a fair, consistent basis. Communities will no longer have to wonder whether or not they are going to receive a grant.

This proposal also contains a lower matching requirement than the President's program. Therefore, poorer communities can hire more police with less of a financial strain on the community. By lowering the match, we do not penalize poorer cities that cannot afford it. This is what the American people want—assistance in handcuffing criminals not handcuffing communities.

Critics complain that a block grant will lead to the abuses of the old LEAA Program of years past. I would note, however, that LEAA did far more good than harm. And many of the LEAA grants occurred before the professionalization of the Nation's police forces. I do not believe that the excesses that occurred under the LEAA would occur under the proposed legislation. Indeed, I think that the Byrne grants stand as a testament to the ability of local communities to wisely look after their own best interests.

While this conference report is imperfect, I encourage my colleagues to support it and permit us to fix any remaining difficulties after the President has vetoed it. In closing, I would just like to thank Senator GREGG for his work on the report. He has consistently sought out the views of the Judiciary Committee and has attempted to incorporate our views into the final product. I look forward to working with Senator GREGG.

Mr. HOLLINGS. Mr. President, I yield—5, 10 minutes?

Mr. BRYAN. I would appreciate it if the Senator will yield 10. I probably will use less.

Mr. HOLLINGS. I yield 10 minutes to the distinguished Senator from Nevada.

The PRESIDING OFFICER (Mr. KYL). The Senator is recognized for 10 minutes.

Mr. BRYAN. I thank the distinguished Senator from South Carolina.

Mr. President and my colleagues, I wish to express my profound disappointment that the U.S. Travel and Tourism Administration funding is not included in this bill.

I know that my friend and the ranking member of the Commerce Committee, Senator HOLLINGS, proudly and rightly proclaims himself as one of the founding fathers of this very important function. We are talking about something that in the current year is funded at a modest level of \$16 million. It is a program which has enjoyed bipartisan support. I wish to emphasize that. When we came to the floor earlier this year to amend the Senate version to continue it for a 1-year transition, a 1-year transition of \$12 million in funding, we had the support of Senators MCCONNELL, HOLLINGS, MURKOWSKI, INOUE, THURMOND, DASCHLE, and many others.

So the point I wish to make to my colleagues is that this is not an issue which had as a cutting or defining edge any sense of partisanship. We had broad bipartisan support.

Why do I think this is such an important function? First of all, tourism is

either the No. 1 or No. 2 or number No. 3 industry in every State in America. It generates \$417 billion annually and is recognized as being, with the possible exception of the health care industry, the largest employer in America.

In the context of our difficulty with the international trading accounts, where the United States suffers from an enormous trade imbalance, when all of those individual categories are added together, it is a shining example of where we enjoy a trade surplus, net trade surplus, of some \$22 billion.

So this is an agency that is worth every penny that is expended. Putting this in the context of what is happening in the world today, out of the 175 major countries in the world, we will be the only one without some type of a national tourism office. The timing of this, it seems to me, is particularly bad. We are talking about jobs, travel tourism provides 6.2 million direct jobs, and is growing at twice the rate of job growth in the national average.

So this generates economic growth here at home, jobs, \$417 billion in the economy. In terms of the international trade, we have a net surplus of \$22 billion. And all we sought to accomplish in this bipartisan amendment was to keep the agency funded for one more year, one more year, at a level of \$12 million.

What the conference report did, it seems to me, is absolutely indefensible, both in terms of philosophy as well as pragmatism. It will cost us under the provisions of this conference report, to terminate this agency immediately, \$8 million. We get nothing for that \$8 million. It simply represents severance pay to existing employees and the various costs that are incurred in terminating existing contracts. I mean, in is like cutting off your nose to spite your face.

This makes no sense at all, Mr. President. And I know the distinguished occupant of the chair from my neighboring State knows how important tourism is to his own State. We share a common interest in one of nature's great wonders in the Southwest, the Grand Canyon.

International tourism is driven to a large extent in our part of the world because of the interest and desire in seeing this great wonder of nature. We spend less than Malaysia, Tunisia, countries that are not ordinarily identified as states that are in the vanguard of promoting tourism.

So I must say that I think we miss a tremendous opportunity here. We just had a very, very successful White House conference on tourism. Bipartisan in every sense. It is the first time in the years that I have been involved in the tourism movement. And I was very much involved, as the Governor of Nevada, in putting together, in our State, a strategy at the State level to develop a comprehensive approach to tourism that compliments what is done with the local visitor and recreation

authorities, particularly in the Las Vegas and Reno areas, where the two most active authorities exist, putting together that partnership which made it possible for us to generate the largest growth of tourism that has occurred in the history of Nevada.

So I must say that I am extraordinarily disappointed in this. It is bipartisan in every sense. We ought to, it seems to me, in the interest of making some sense, see if we cannot at least keep this agency one more transitional year.

In that sense I certainly would invite comment from either the floor manager or the minority floor manager here in terms of, do we have any chance, my colleagues, of getting this funding, as the President indicated he is going to veto the bill so it will come around again.

I certainly would pledge to work with the distinguished floor manager from New Hampshire, my long-time friend, the former chairman of the Senate Commerce Committee and one who actually presided at the birth. This ought not to be an issue that divides us, Mr. President, on partisan grounds because it has broad bipartisan support. The Governors support it. The private sector is most energized, and as I say, this White House tourism conference was the first time in years I have been involved where we actually brought in every segment of the tourism industry, focusing on a strategy of how we can increase our international travel.

I would certainly invite comments from my friend, the Senator from South Carolina.

Mr. HOLLINGS. If the distinguished Senator will yield, Mr. President, let me first acknowledge the leadership of the chairman of our tourism caucus. As he has indicated, he has correlated a most wonderful coordinated effort on both sides of the aisle and more or less some on the House side.

But I say to the Senator, in responding—I must say that the House conferees were pretty adamant. The Senator had the cooperation of our distinguished chairman. The Senator had the cooperation of this particular Senator. And we continue to do our very best. But I can tell the Senator, they were pretty intransigent on the House side.

Mr. BRYAN. I am not unmindful of the difficulties that occur in trying to reconcile differences between the two bodies.

I say to the distinguished chairman of the subcommittee, the floor manager, the Senator from New Hampshire, I pledge to work with him as well to—this is not a partisan issue. And I would certainly, if he has any thoughts in terms of how I could be helpful, those of us who have spent a good bit of time in trying to work out a reasonable compromise, reorganizing that the agency is going to be terminated at the end of the next fiscal year under the proposal that we advanced as a compromise measure, I certainly would be happy to be guided by his suggestion in terms of how we might approach our

colleagues in the House who are perhaps less informed about what this means to all of us.

Whether we are from the West, the Northeast, the South, wherever, clearly we have an industry which is growing enormously. We are going to have 661 million people that will be traveling throughout the world by the turn of the century. And America is the travel bargain of the world. I certainly would be happy to yield to my friend from New Hampshire and take any suggestions that he might have in terms of how one might work with him and our Senate colleagues who understand how important this is.

Mr. GREGG. I certainly appreciate the Senator from Nevada's interest in this, and his understanding of the importance that tourism plays in the economy, obviously of his great State, but many of our States, tourism being the largest employer in the State of New Hampshire.

However, I think the concerns that the House raised had some credibility. They were concerned about the fact that this agency, although on a theoretical downward glidepath toward being eliminated, may actually have a certain Phoenix-like quality to it, as a result of the conference may actually be coming back to us with the request for funding which would be in the multiple millions of dollars, approximately \$50 million as a joint venture exercise.

So I think they decided that rather than go through the gnashing of teeth and trauma of fighting this battle a year from now, to fight it now and terminate the agency. They were very insistent in their position. I suspect that it will be difficult, depending on how this bill comes back, to change that position.

But I am certainly happy to sit with the Senator and work with him on any ideas that he might have. I think the real concern here is that we be on a glidepath to termination and that we not be on a glidepath that is sort of a touch and go.

Mr. BRYAN. I appreciate my friend's comments. If I might respond and engage him in a constructive colloquy. The \$50 million that the Senator made reference to is \$50 million of private-sector capital. As I am sure the Senator from New Hampshire is aware, at the White House conference one of the reasons that was part of the compromise—which was accepted by the Senate—that was crafted in the fashion in which it was that we recognized that the agency would terminate at the end of this fiscal year under the proposal the Senate embraced. Therefore, during this transitional year the industry would have to come up with this \$50 million.

I say to the Senator—I know he knows this; perhaps our House colleagues have not followed as closely; again, I would certainly be delighted to work with him—that \$50 million is not an attempt to come in sideways or in the back door to get \$50 million Fed-

eral dollars. I can represent to the Senator from New Hampshire that, if we can get this compromise in a future conference report, because the President indicated he is going to veto this, that I will represent to him it will be my intention to oppose any attempt to extend the agency beyond that year, based upon a representation that we made on the floor.

So I am not part of any effort, I can assure my colleague, to just keep it alive this year and then argue, "Well, look, we need to keep it alive another year." This is \$12 million. This is it. And this is the transitional year for the industry.

The PRESIDING OFFICER. The time of the Senator from Nevada has expired.

Mr. GREGG. Mr. President, I yield myself time.

The Senator from Nevada has expressed a good case in the context of "we are going to terminate this agency; is it \$12 million or \$2 million we need to do that." The concern the House raised, I think, is a legitimate concern.

I want to give a very distinct clarification on this. As I understood the small business conference report, they wanted to follow, or suggested they follow, the Canadian system where the private sector does put in \$50 million, but the Government puts in a matching amount, and that there is, if not stated, at least an implication we are going to end up with a joint program involving the Federal Government or a request for a joint program involving the Federal Government once the private sector has raised the \$50 million. I think that is the concern. That type of contingent, potential liability should be nipped now rather than get into the fight at a later date.

We will certainly rejoin this issue when we get the bill back, and I appreciate the Senator's thoughts.

Mr. BRYAN. Will the Senator yield for the purpose of a single question?

Mr. GREGG. Certainly.

Mr. BRYAN. Let me say, clearly the decision that we deal with is, what do we do during this critical year? I understand the concern that may be addressed as to, will there be a request next year or the year thereafter? I put my own credibility on the line and tell the Senator that, to his House colleagues and to our House colleagues who may have that concern, this is not a guise to come back next year or the year thereafter. This, I think, is a very practical way to deal with the situation, which we all acknowledge that the Agency is going to be terminated after the end of the year, as a practical matter. For \$12 million, we get the benefit of a functioning Agency; for \$8 million, we get no benefit at all and simply pay folks to terminate contracts and for severance pay.

To the extent I want to be helpful, I assure the Senator I want to work with him and encourage him to use his own legendary persuasive skills as a former

chief executive of his own State. I have some sympathy and understanding of how effective the Senator can be. Our distinguished friend from South Carolina also served as a chief executive of his State. So, together, we can work on this. We are only talking about \$12 million. I think we may be able to get that back in.

I thank the Senator.

Mr. GREGG. I appreciate the comments of the Senator from Nevada. Probably the best way we can get that money is to get the entire Congress out of here for Christmas.

At this point, I suggest the absence of a quorum and ask that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, it is my understanding that there is roughly 1 hour 40 minutes under my control. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BIDEN. Mr. President, I yield myself such time as I may use up to that point.

I rise today in opposition to the Department of Justice appropriations in this conference report and an attempt by my Republican colleagues to rewrite the anticrime legislation on an appropriations bill.

In my view, it is a lousy idea to rewrite crime policy on an appropriations bill, wiping out major programs the Senate created only last year after 6 years of extended debate and replacing it with new programs without review or debate and doing it all on an appropriations bill. It is unnecessary, in my view, and it is completely contrary to how the Senate has traditionally worked.

I assume—and I see the distinguished chairman of the appropriations subcommittee is here—I assume it is because you cannot get the votes straight up and down to change the law through the authorizing process, because I have not seen anybody come here to the floor and say they do not want 100,000 cops. I have not seen anybody come to the floor and say they do not want the prison money the way it is allocated. The argument goes on. But it is kind of doing it in a way that obviates that kind of debate, discussion and votes on individual items within the crime bill.

We all know that the Republicans have wanted to change the crime bill, and they have wanted to change it since it was passed, I assume in part because it has a Democratic label on it. I have not heard many other compelling reasons why it is a bad idea. But they say it is in their Contract With America to change the crime bill. I do

not know anywhere under the Contract With America the American people said they do not want 100,000 more cops. I do not know of any police under the Contract With America who say they do not want to build any more prisons or who say they want to go back to the old LEAA days where cops could buy Dick Tracy watches, and small municipalities could buy armored personnel carriers, and you could spend money on public defenders instead of on a cop, which you can do now the way the Appropriations Committee has rewritten this legislation.

I do not recall anybody who ran as a Republican on the Contract With America campaigning on those issues. The fact is that Senator DOLE and Senator HATCH at least had the good grace to straightforwardly introduce a bill to change the 1994 crime law, and they have every right to try to do that. They introduced such a bill, but they have not chosen to act on it. No one has called up the crime bill.

Where is the crime bill? I have been hearing since the day that Mr. GINGRICH became Speaker and the Democrats lost control of the Senate that one of the first items on the agenda was a Republican crime bill. Well, bring it on. Where is it? Where is the Republican crime bill? Let us debate it. But, no, the Republican crime bill is now in the appropriations bill, allowing everyone to go back home and say, no, I did not eliminate the 100,000 cops; I did not eliminate the drug courts; I did not do that; I did not change any of that. All I did was vote for an appropriations bill to give you more flexibility.

Translated, you do not get 100,000 cops. Translated, you do not get what is in the crime bill. Where is the Republican crime bill? Please bring it to the floor. I have been waiting to debate it. I can hardly wait. But it looks like I am going to wait until the next Congress, assuming I am here, which is not an assumption I am relying upon.

This is a blatant attempt to sidestep the usual process in this body and, I think, by stealth to try to get it both ways. This bill is, of course, dead. Dead. Dead. It is not going nowhere, to use the vernacular. It may have the votes to pass here. I hope that allows you all to say that you have fulfilled your contract with yourselves, but you are sure not fulfilling a contract with the American people.

I hope you will feel good about that and then maybe, after you come back, after the President vetoes this, we will go through this again. Let us do it straight up, because I want you to stand up on the floor and say, I do not want 100,000 cops. Say it. We will debate it. Take it to the people.

Notwithstanding that we will be right back here doing this again in a few days, I should like to list and then explain some of the major changes this conference report proposes. First, as I have mentioned, it would eliminate the 100,000 cops program that was estab-

lished a year ago in the crime law and maintained in the Senate appropriations bill. Because we had this debate, remember. We did this over here through the appropriations process. And as they say in the southern part of my State, "Y'all lost."

But never fear; GINGRICH is here. So you headed to the other side, and you caved in in conference and now are back here, I assume in part, to be able to go home and say, "We didn't cut the 100,000 cops program."

We have already funded more than 25,000 new police officers across the country in this first year alone, and I challenge any of you to go home and hold a press conference and say you did not want those cops to come to your State—25,000. "Moses" Heston, better known as Charlton Heston, ran ads, was on an ad for months when we were debating this crime bill saying there was not even enough money in here for 20,000 cops. We already have 5,000 more than "Moses" thought would be in the bill, with 75,000 more to come—unless this became law.

There are 25,000 that police departments across the Nation have already put in place, and police departments across the Nation have already applied for more than \$0.5 billion in fiscal year 1996 to fund an additional 9,000 new cops, and these pending applications are now threatened by this conference report. In its place is a law enforcement block grant, the old LEAA Program, which is written so broadly that the money could be sent back to the States, could be spent on everything from prosecutors to probation officers, from traffic lights to parking meters, and not a single new cop. The block grant, this block grant that is in the bill now has never been authorized by the Senate.

Let me explain why, when I wrote this bill in the first place, now the crime law, I insisted it go for cops. Because the way it works now is that in order to get a new cop at home the Federal Government will put up roughly \$75,000 if the mayor, the county executive, or whomever puts up the rest. But it requires the mayor, the county executive, the Governor to step up to the ball, stop mouthing to their constituents they want more cops; they just cannot do it. But under this legislation, they will get the money and they will not buy the cop because when they buy the cop, they have to make a commitment they are going to keep that cop for 5 years and they are going to straightforwardly tell the voters, their constituents, that is what they are spending the money for. It is going to be a lot easier for them when they do the budget now to say, I can make it look like we are making progress here; we will not hire any new cops. We will pay for those traffic lights we were going to buy out of our city taxes with Federal dollars.

I used to be a county councilman. That is what we did with the old LEAA money. We did not hire any more cops.

What we did, we fired cops. We fired cops; we fired firemen; we fired law enforcement people who we were paying for with county funds and we rehired them with the Fed money.

I see some of the staff on both sides are smiling. That is what we did, and that is what will happen again. Because then we would say—I will never forget sitting in a county council meeting. The chairman of our council was a very distinguished man, his name was C.W. Buck. I mean that sincerely. He was a very distinguished Republican. His father had been the Governor of the State of Delaware. I turned to Mr. Buck, saying, "Mr. Chairman, how much will this cost us?" He looked at me and said, "It will not cost anything." I said, "Why?" He said, "It is Federal money. We don't have to put up a cent."

So in New Castle County, DE, and Wilmington, DE, we laid off cops, then hired them back with Federal money. What was the net effect? Not one ounce of additional public safety, guaranteed. Not one new cop. But, boy, it is real appealing when you are the county executive and real appealing when you are the Governor and real appealing when you are the mayor not to have to come up with any money, and then go tell your constituents what you are doing for them.

Now, look, if Governors and mayors—if the reason you Republicans are doing away with this program is in the name of helping localities so they do not have to put up their money to get a cop, great. Under the existing legislation, they did not have to ask for a cent. There is no requirement that says, Athens, GA, must send in a request for more cops. Athens, GA, or Berlin, NH, they say, "We don't want any more cops and we don't want any more Federal money." No problem. Send it to Delaware. We will pay.

So in the name of helping localities, letting them, from a "block grant"—that is a code word, folks. Block grant means "we don't have to spend it for cops because cops cost us money. It costs us money." Governors and mayors and county executives, they have their budget people coming in saying, "Look, Gov, look, Mr. County Executive, look, Madam Mayor, if you sign on to this, this means we have to, for the next  $x$  number of years, put in our share of what this additional cop is going to cost us."

It is like what you find in most States. I have never been to a State legislative body—and I have been to a number and had the privilege of speaking to a lot of them—but Democrat or Republican, where they did not have, in the State legislature, debate that goes like this: "You know, violent crime is an overwhelming problem in the State of  $x$ , and we must do more to fight crime. We're going to pass laws that increase the penalty tenfold, and we are going to do this, and so on."

They do pass all the penalty laws. And then somebody has the temerity



to say, "By the way, we don't have enough prisons to put these people in. We don't have the prisons. There's not the space." And then what do those folks do? Do they go to you, the voters, and say, "Well, you know, we have got to raise your taxes to build more prisons"? Oh, no. They tell you how tough they are, and then they let the folks out of prison.

That is why, by the way, nationwide, if you live in the State of Pennsylvania, you live in the State of California, you live in the State of Texas, when you get sent to jail, you do not go to jail for the time for which you are sent. You get 10 years for robbery? You serve on average 4.6 years. But guess what? In the Federal Government, you get sentenced to 10 years, you go to jail for 10 years. Bingo.

You ever wonder why folks do not want to be tried in a Federal court and they prefer to be tried in a State court, even in tough hang-them States like Texas and States like mine? Because they are not nearly as tough as the Federal Government, because we put our money where our mouth is. We have said, "You do the crime, you do the time." It is called the Sentencing Commission. I authored it with several other people back in the early 1980's. And we do not fool around.

The point I am making is one that is not popular to make, and I should not make, I am sure my political folks are going to tell me, but it is the truth. We let the States off the hook, we let the cities off the hook. They will not hire the cops, and that is what you all are doing. That is what you Republicans are doing here. It is not going to enhance public safety one iota.

I want 100,000 new cops on the street. That is why I wrote the bill. We have roughly 550,000 local police officers. When this crime bill is all over and we spend \$30 billion, if you all have your way, we will have 575,000 cops on the street, maybe. I want 650,000 cops on the street. We need more cops.

Again, you do not have to ask for a single cop, Governor; you do not have to ask for a single cop, Madam Mayor; you do not have to ask for a single cop, County Executive. But if you ask, you have to kick in, and we will give you \$75,000 per cop on average. Pretty healthy commitment by the Federal Government.

Let me tell you what else this bill would do. This bill would completely eliminate or severely restrict other programs set up in the 1994 crime law, like the Drug Court Program, the Rural Drug Enforcement Grant Program, the Law Enforcement Scholarship Program, the Scams Program for fighting telemarketing fraud against senior citizens, that the Senator from Utah, the distinguished chairman of the Judiciary Committee, Mr. HATCH, authored and I coauthored. There are tried and tested programs that fight youth violence, for example, by putting boys' and girls' clubs in housing projects. Under the 1994 crime law,

these programs were targeted for separate funds in addition to the funds for the 100,000 cops.

But under the conference report of the Appropriations Committee, a mayor would have only the amount of the block grant out of which all efforts would have to be funded. The result would be that proven crime-fighting programs that the Congress voted to support last year would be effectively eliminated.

I hear everybody talk, especially my good friend from Texas, PHIL GRAMM, talk about being tough on crime. And I hear a lot of my folks out there—a lot of folks on your side of the aisle—talk about a lot of these liberal mayors. Well, guess what the liberal mayors are going to be able to do with your block grant? They are going to be able to put it all in programs if they want. They can go out and put it all in boys' clubs and girls' clubs if they want. They can put it all in prevention if they want, and not one new cop if they want.

Now, all of a sudden, I am amazed how trusting you are. I hear Senator GRAMM and others talk about the liberal Conference of Mayors. Well, my Lord, you are a trusting bunch. You really are. You have seen the light. I guess you are for straight prevention now. What do you think the cities are going to do with this money? You and they are going to go out and hire cops? Oh, yeah, right. With their tight budgets? So you folks on the Republican side, I am amazed, have become the lily-livered liberals, what I am called over on this side. You all are the ones now changing the rules. You are changing the rules.

Now that this can be all spent for prevention, who are the tough guys? I hope you are not going to stand up and make any more of those speeches about, "Lock them up and throw the key away, and don't take my mama's gun away," the ones we hear, you know, rolled out every 4 months or so.

Block grant means just that, it is a block grant: "Here you go, Mr. Mayor, do with it what you wish."

You all ran ads, your national party ran ads last election of prisoners dancing in tutus. I thought it was really good. It was a great ad. It shows these prisoners dancing in pink tutus saying, "That's what the Democrats want to do." That is not what we did, but that is what you are doing. Can you imagine where this money would go if Jerry BROWN were still Governor?

And you talk about getting tough on crime? This is not tough on crime, this is just dumb. This just does not make any sense. If we are going to legislate by fiat like this, then we might as well do away with committee systems, with hearings, with subcommittee markups, with full committee markups, with careful consideration of authorizing legislation. We can simply do all our Senate business by appropriations bills, which is the way we are doing it these days.

I guess I am number—I do not know. I do not know what my number in se-

niority is. I think I am 16, 17, 15, something like that. In light of the 99 decisions not to run again for office, if I get elected again, I may even be higher.

I made the wrong pick. I came here to legislate. I should have gone on the Appropriations Committee. I made a big tactical mistake here. Had I gone on the Appropriations Committee, I would be the No. 3 or 4 ranking person on that committee. Why have a Judiciary Committee? Why have a Commerce Committee? Why do this? They do not legislate any of this.

I ask a rhetorical question: Why did my friends, Senator DOLE and Senator HATCH, not bring their crime bill to the Judiciary Committee to be acted on? Why did we not do that? I respectfully suggest it is because they did not have the votes to win. I respectfully suggest that in order to win, you would have to say, "By the way, we don't want 100,000 cops added by this crime bill; we don't want more prisons built in this crime bill the way we had; we want to change it."

Any of you who doubt what I am saying, any of the press who is listening to this, you go ask any chief of police in the United States of America, you go ask any superintendent of the State police in any State in America, you go ask the head of any county or city police organization, and you ask him or her whether or not they think they will fare better with their budgets for their city, State or county with a block grant that allows the legislature and the Governor to use it any way he wishes, or whether they will fare better with the proposal with 100,000 cops. You ask them.

When I wrote this legislation, Mr. President, I wrote it by first calling in the six major police organizations and asking them, "What do you need most to deal with the crime problem in America? What do you need the most?" And they told me. So I wrote the bill with them in the room.

They were the ones who said, point blank, "If you don't require the Governors, the mayors to come up with some of the money for only cops, we won't get any new cops, because we're an expensive item. When we sit down in the budget process in our town or our city, we have to say to the mayor, 'Mr. Mayor, if you hire this police officer, you are taking on a salary of X amount and benefits of Y amount and you are making a long-term commitment, and that is going to impinge on your budget not this year but every year that that cop is around.' But when you don't do it this way, Joe, what you do is you allow them to say they are fighting crime by putting lighting in parks. That is a one-shot operation and a utility bill. Putting up traffic lights, that is a one-shot operation. Hiring a probation officer," which I am all for hiring, which costs less money and allows the city or county or the State to reduce the rest of their State budget to do what they are already doing. This is not revenue sharing, this is about cops.

Now, all that hyperbole about—I even heard one of our colleagues saying when we passed the Biden crime bill, it is now the crime law, I heard my colleague say, “All this means is we are just going to hire 100,000 new social workers.” I do not think there is anything wrong with new social workers. We could stand 100,000 new social workers in America. But this is about cops.

Under the crime law, you cannot use the money for that purpose. But my crime-fighting Republican friends and the staff who helped them write this—I do not know if the staff realizes what a favor they have done for their principals. They have now allowed them to hire 100,000 social workers. We should rename the bill: “The social worker bill.” You can hire instead of 100,000 cops—there is not enough money left, you can only hire 75,000 new social workers. You cannot do that under my bill, under the crime law, and this is masquerading as fighting crime.

I would like to briefly point out that another Republican plan in this conference report is to drastically cut Federal law enforcement as well. The conference report does the following: It cuts the FBI by \$112 million below the President's request, so new FBI agents will not be hired; it cuts the Drug Enforcement Agency, the DEA, \$5 million below what the President has requested for drug enforcement officers in this Nation; it cuts interagency drug enforcement by \$15 million below 1995 and \$19 million below what the President has requested; and it cuts Federal prosecutors by \$13 million below the President's request. So much for your credentials of tough on crime.

I do not know why you are doing this. Maybe it is because you want to give tax cuts to people making 250,000 bucks. But for my money, I want a prosecutor. I want a new DEA agent. I want more FBI agents. You cut all of them, every one of those areas you cut below the President's request.

But as the saying goes, talk is cheap. Talk without commitment of dollars is meaningless. Republicans in the conference have failed to fund the President's request for Federal law enforcement despite all the talk about being for law enforcement.

(Mr. BROWN assumed the chair.)

Mr. BIDEN. Let us look at these cuts to Federal law enforcement. The conference report cuts \$5 million from the \$54 million boost requested for the DEA by the President. Again, we hear a lot of talk about how we need more to fight illegal drugs, and there is much finger-pointing about that the administration should do more, and they should. But in the end, it is the Congress that fails to fund the drug enforcement request of the President.

In yet another important area, let us review what has happened in interagency drug enforcement. The organized crime and drug enforcement task forces combine the efforts of the FBI, the DEA, U.S. attorneys, Immigration and Naturalization and the Marshal

Service, Customs Service, U.S. Coast Guard, and the Internal Revenue, all working together in 13 regional task forces to target and destroy major narcotic trafficking organizations. And you need them all. The President requested \$378 million for this program, but the Republican conference cut this amount by \$19 million. This means that we will cut the important drug-fighting capacity below the 1995 level. In other words, you have all decided that the drug problem, I guess, is less worse this year than last year, notwithstanding all your speeches, with which I agree, that the problem is worse this year than it was last. But you decided to cut it. You did not decide to say we should restructure it or that the money is not being used wisely and we should redo it; you decided to keep the existing system and cut it.

Let me also point out that the Republican conference report cuts the President's request for U.S. attorneys, U.S. prosecutors. Our Federal prosecutors are the ones who prosecute all Federal crimes. You cut this by \$13 million. The President requested an increase of \$86 million to boost Federal prosecutors, but the conference report backed away from this commitment. In short, the conference report cuts the President's request for Federal law enforcement. So our Federal effort against crime and drugs will be fought by fewer FBI agents, fewer DEA agents, and fewer Federal prosecutors than requested. I assume that is because you all think that there is less crime, that there is less of a drug problem, and there is less of a need to prosecute.

If you believe that, this is fine, no problem. But somebody stand up and tell me that. Stand up and tell me that is the reason why you cut it back. If you tell me you cut it back for budgetary reasons, then I say, fine, you have made your priority choice. You have chosen other things to spend money on, or to cut taxes for, rather than on these. That is a legitimate position to take. But do not get up and tell me how you want to fight crime, how it has gotten so bad, how it is so terrible, how we want to move so rapidly on it, but, by the way, we can all do it with less money and effort. That does not work. That does not work, I respectfully suggest. It may work politically, but not practically.

I would like to return to the merits of the 1994 crime law. The 1994 crime law, in my view, and in the view of law enforcement officers across the country, is working. The passage of the major \$30 billion anticrime package last year capped a 6-year effort to launch a bold and comprehensive and tough attack on violent crime in the roots of American communities. As we pass the 1 year mark, it is already clear that the major programs of the bill are working even beyond my expectations. Consider the 100,000 cops program. If this had been a typical grant program, the Federal Government

would just now, at the end of the first fiscal year of funding, be preparing to issue its first awards. That is how it has worked in the six Presidential administrations I have been here for. They would be just now doing it.

The better part of the year would have been consumed drafting regulations and preparing application forms before money could finally be disbursed at the end of the year. The implementation of the 1994 crime law stands in stark contrast to this typical scenario. Instead of requiring burdensome applications that often fail to work and fill entire binders, a one-page application was developed by the Attorney General. Instead of waiting until the end of the year to distribute the funds, the money was awarded in batches beginning only weeks after the passage of the law. As a result, we find ourselves, at the end of the first year, with nearly all the fiscal year money out the door, with all of the funds having already been sent on their way to the States, and with more than 25,000 out of 100,000 new cops already funded in every State in the Nation. In a word, the law is working.

In addition to the new police, the law's provisions combating violence against women are also working. The first criminal has been tried and convicted under the new Federal violence against women statute, resulting in a life sentence for Christopher J. Bailey, who kidnapped and beat his wife nearly to death. Otherwise, he would have only gotten a couple years in jail. In addition, charges have already been filed in another case. Every State has received a grant to increase the police, prosecutors, and the victim services to combat family violence. Rape shield laws have been extended to protect more victims. Women no longer have to pay for medical examinations to prove they are raped, which had been the practice up until now. The victims of rape are finally being treated like the victims of any other crime. These long-overdue measures mean that women are now being protected, instead of further victimized, by the criminal justice system.

Another major accomplishment of the 1994 crime law is the military-style boot camp prisons. Crime law dollars are already at work helping 27 States plan and build and run military-style boot camps for nonviolent offenders. Boot camps allow States suffering from overcrowding problems to move nonviolent prisoners into cheaper space. Boot camps cost about one-third the price, per bed, as a conventional prison, and thereby free up space for the most violent offenders in conventional prisons.

Yet, another effort that is already underway is the drug court program. But before I move to that, let me tell you what this prison program in the crime law would look like after it goes through this reincarnation, were the President not to veto this.

The prison program in the crime law we passed last year was designed to

meet two goals: First, to help States increase and then use to a maximum advantage the supply of prison space they have available to them. The second purpose was to encourage States to adopt the kind of truth-in-sentencing system that has been instituted by the Federal Government, to which I referred about 15 minutes ago. Today, prison systems in 34 States are under court order for overcrowding, and because there are not enough prison cells, many States are keeping violent criminals behind bars for roughly only 46 percent of the time for which they have been sentenced.

Worse yet, 30,000 offenders, who each year are convicted of a violent crime, do not even see a single, solitary day in prison. That is, 30,000 convicted in State court systems of a violent crime do not see a single day in prison because the States either do not have the money or do not have the leadership or do not have the gumption to tell the taxpayers that if they want these tough laws, they have to build more prisons.

The 1994 crime law is helping States respond to that problem with a \$9.7 billion grant program. Under the 1994 crime law, States can use the money to build and operate additional secure prison cells for violent criminals or for boot camp prisons for nonviolent offenders, thereby freeing up secured prison space for violent offenders.

Let me tell you about these boot camps. Today, there are 160,000 young, nonviolent minor offenders who are behind bars in costly prison cells. That just does not make any sense. They are nonviolent, they are first offenders primarily, and they are behind bars at more than what it costs per year to send your kid to Harvard or Yale.

What this does, the crime law encourages States to take them out of those systems if they choose, put them in boot camps where you string barbed wire, you have the equivalent of Quonset huts. Make them engage in military-style activities to occupy them. It does not hurt marines or trainees. Surely, it will not hurt them at about one-third the cost.

I am encouraged that the Republicans' prison proposal permits States to use the funds for boot camps. That is an important change, I might add, and I compliment them for that on the House bill. But the fact of the matter is, it is a big change.

One of the key problems in the Republican prison plan is it permits States only to build or expand prisons, leaving out the ability to spend the funds to operate the present system. The State of Florida, when we had this debate on the bill, had built new prisons. They are sitting there with not a prisoner in them because they do not have the money to operate the prisons. They needed them badly but did not have the budget to operate them. This just does not make sense.

When the 1994 prison provisions were written we heard from several States

about these operating problems. A close look at the fine print in this bill reveals what I believe is one of the most troublesome aspects. While \$617 million is appropriated for prison grants in the conference report, the Republican conferees raided \$200 million of that fund to fund prisons in just seven or eight States.

Let me explain that. The bill directly funds \$300 million to reimburse States for the cost of housing criminal aliens in State prisons. That was a provision included in the 1994 crime law. I support that goal.

On top of that \$300 million in direct appropriations to reimburse States for incarcerating criminal aliens, language was slipped into the bill so that an additional \$200 million was shifted from general prison grants for all States through the Criminal Alien Reimbursement Program. I assume that was a legacy of the Senator from Texas before he went to the Finance Committee. So that means a few States are going to get the money.

I point out to my colleagues if you are not from Arizona, Florida, Texas, Illinois, New York, New Jersey, California, or Michigan, funds that should have gone to building prisons in your States have been stolen in this conference report. I think this is outrageous.

I support the need to reimburse States for these costs, but in the 1994 crime law, we recognize that crime is plaguing all States, not just a few of the largest States in America.

I have a list here that I ask unanimous consent to have printed at this point, entitled "Conference Report Prison Funding—How Does Your State Do?"

There being no objection, the table was ordered to be printed in the RECORD, as follows:

#### CONFERENCE REPORT PRISON FUNDING—HOW DOES YOUR STATE DO?

	1994 Crime Law	Conference	Win/Lose
Alabama .....	\$5,671,000	( <sup>1</sup> )	.....
Alaska .....	1,495,000	0	-\$1,495,000
Arizona .....	8,617,000	17,368,000	+\$8,751,000
Arkansas .....	2,954,000	20	20
California .....	94,034,000	181,300,000	+\$87,266,000
Colorado .....	3,822,000	0	+\$3,822,000
Connecticut .....	3,038,000	6,975,000	+\$3,937,000
Delaware .....	1,532,000	0	-\$1,532,000
D.C. ....	3,326,000	20	20
Florida .....	46,535,000	38,262,000	-\$8,303,000
Georgia .....	14,680,000	20	20
Hawaii .....	1,273,000	0	-\$1,273,000
Idaho .....	1,279,000	0	-\$1,279,000
Illinois .....	31,297,000	26,471,000	-\$5,456,000
Indiana .....	8,561,000	8,423,000	-\$138,000
Iowa .....	2,179,000	( <sup>1</sup> )	.....
Kansas .....	4,300,000	6,674,000	+\$2,374,000
Kentucky .....	3,422,000	0	+\$3,422,000
Louisiana .....	13,445,000	9,956,000	+\$3,499,000
Maine .....	1,050,000	0	-\$1,050,000
Maryland .....	8,175,000	0	-\$8,175,000
Massachusetts .....	8,004,000	0	-\$8,004,000
Michigan .....	11,958,000	15,764,000	+\$3,806,000
Minnesota .....	3,013,000	6,981,000	+\$3,968,000
Mississippi .....	3,996,000	6,593,000	+\$2,597,000
Missouri .....	11,616,000	9,478,000	-\$2,138,000
Montana .....	1,040,000	0	-\$1,040,000
Nebraska .....	2,329,000	20	20
Nevada .....	4,188,000	6,614,000	+\$2,426,000
New Hampshire .....	1,248,000	20	20
New Jersey .....	8,152,000	14,185,000	+\$6,033,000
New Mexico .....	3,050,000	20	20
New York .....	54,953,000	45,227,000	-\$9,726,000
North Carolina .....	13,892,000	10,310,000	-\$3,582,000
North Dakota .....	893,000	5,392,000	+\$4,499,000
Ohio .....	16,313,000	11,293,000	-\$5,020,000

#### CONFERENCE REPORT PRISON FUNDING—HOW DOES YOUR STATE DO?—Continued

	1994 Crime Law	Conference	Win/Lose
Oklahoma .....	3,864,000	20	20
Oregon .....	5,046,000	0	-\$5,046,000
Pennsylvania .....	14,756,000	10,769,000	-\$3,987,000
Rhode Island .....	1,415,000	5,752,000	+\$4,337,000
South Carolina .....	11,150,000	9,209,000	-\$1,941,000
South Dakota .....	1,040,000	20	20
Tennessee .....	6,617,000	20	20
Texas .....	21,224,000	20	20
Utah .....	1,650,000	5,928,000	+\$4,278,000
Vermont .....	1,001,000	( <sup>1</sup> )	.....
Virginia .....	7,514,000	7,875,000	+\$361,000
Washington .....	8,312,000	20	20
West Virginia .....	1,382,000	20	20
Wisconsin .....	2,797,000	0	-\$2,797,000
Wyoming .....	1,191,000	20	20

<sup>1</sup> No data.

<sup>2</sup> State is ineligible for Conference "Truth in Sentencing" grants, sufficient data not available for determining eligibility under Conference "general" grants.

Source: State data compiled by National Institute of Corrections and Department of Justice.

Mr. BIDEN. Mr. President, let me point out to you, if you are in Alaska you will get \$1.495 million less; if you are in Colorado, you get \$3.822 million less; in Delaware, you get \$1.532 million less; in Maine, you get \$1.050 million less; in Maryland, \$8 million less; in Massachusetts, \$8 million less; Missouri, \$2 million less—I am rounding these numbers down—in Montana, \$1 million less. I did not think that was the deal.

There are more problems with what they did with prisons in this conference report. In the crime law, it permits all States to qualify for one or both pots of the prison money. There are two pots of prison money. There is 50 percent for general grants that essentially all States receive because there are no hard strings or conditions on these dollars, and 50 percent of the money is to go to States which meet the truth-in-sentencing standards we set out.

The Republican conference also splits prison dollars into two pots, but States are forced to choose either one or the other, even if they qualify for both. This is the second reason why so many States will get so many fewer prison dollars on a Republican conference report. It seems to me to be written by Speaker GINGRICH to favor only the biggest States.

There is a third problem that most Senators will be hearing about from the prison officials in their States. I know none of the Senators is likely to be listening to this. They are doing other things, including being in conferences and hearings themselves, but in addition to the Senators on the floor, warn your Senators and be prepared that if this becomes law, you will get a call, most of you, from your home State. You will have to answer them, "Why did you cut the money for prisons in my State? Why did you do that?"

I strongly urge you to take a look at this little chart that I have just printed in the RECORD.

To illustrate the problem with these changes, conditions, let me review the situation from my home State. First of all, truth-in-sentencing grants: The conference report changes both the standard and the language so that despite the fact that Delaware, unlike all

but one other State in America, keeps its violent criminals behind bars for 90 percent of the time for which they are sentenced—unlike Pennsylvania or Maryland, my neighboring States, or New Jersey, it is one of the highest rates in the Nation, according to the Bureau of Justice Statistics—because Delaware State law only refers to a 75 percent floor, Delaware is not eligible for truth-in-sentencing grants under this little change.

Second, general grants: The conference changes the rules to require increased time served by State prisoners since 1993. Well, Delaware's truth-in-sentencing law came into effect in 1990. We have been doing the right thing since 1990. But, no, it gets changed. Delaware cannot increase the time served since 1993 since we already did it in 1990. You cannot get above 100 percent. That is just one illustration how my State and many others are going to be out in the cold.

It is one illustration out of the conference report that cuts prison dollars for a State. I am sure there are other explanations where other States will have their prison dollars slashed if this conference report were to become law.

My staff has prepared this for me, and the title of the next section is "Why Does Utah Do So Well?" The conference report includes a special exception, one that appears to help Utah and perhaps a few other States, in the truth-in-sentencing prisons.

Section 20104, subsection (a), subsection (3) permits only those States with indeterminate sentencing to meet the 85 percent truth-in-sentencing standard if they serve 85 percent of their time under the State's sentencing and release guidelines.

Translated, if you have indeterminate sentencing, you get the money. Well, far be it for me to criticize that. Some day I hope to be chairman of the committee again and I hope to take unfair advantage of the process for my State. I am not criticizing, but I am complementing my friend from Utah.

He does what a good chairman should do. He changed the law to benefit his State at the expense of other States. I understand that. I would do the same thing if I were in his position. It is legitimate. But I just point out that Utah has indeterminate sentencing.

Second, the term "sentencing and release guidelines" has some circular logic. The only way someone can get out of prison under an indeterminant sentencing law is either when they have served a maximum sentence or under some sort of release guideline. So this definition is a self-fulfilling prophecy. Prisoners have to serve 100 percent of the time they have to serve.

That is kind of fascinating, is it not? If it is indeterminate, you say at the end of this, they served all the time they were supposed to serve so now they served 100 percent of their time so now you qualify for that pot of money. I think it is really good. I mean, it is admirable. If I become chairman of the

Judiciary Committee again, assuming I get reelected, which is certainly an assumption, and assuming the Democrats take back this place, I want to hire one of the staffers who gave this idea to Senator HATCH, because it is magnificent.

The only States in the Union that really do not keep their folks in prison are the ones with indeterminate sentences, but they are the ones who qualify to be the toughest because, by definition, you would have kept them in as long as they were supposed to be in because you never said how long they had to be in. So, then, all of a sudden, when you release them, they had been in all the time they were supposed to. That is brilliant, absolutely brilliant. But it does not have a darned thing to do with what was the intent of the law. This is a definition of a self-fulfilling prophecy.

The bottom line of all this is 34 States can expect to lose prison money under this conference report. Again, I have to admit, I admire the ingenuity of my friends. I might add, though, it is easier to do this—I wonder what would happen if we had to vote as if this were a crime bill. If this were a crime bill, you would have to defend that. You would have to defend it. You would have to stand up and say why that is a good idea, and I would beat you. I would beat you even on your side. I would even get Republicans to vote with me.

But you figured out a way to keep that from happening. You put it in an appropriations bill so we do not have to do that. We can avoid the messy stuff of legislating. We can avoid the messy process of having to stand up and vote on this stuff. Do you remember how many votes we had on prison funding when we had the crime bill up? It went on and on and on.

The reason I point this out again—I mean this sincerely—is not to criticize Senator HATCH. I think it is a great idea. I think if I were he—I wish I had thought of it. But I want to tell you, the bottom line is 34 States are going to get less money. If we voted on that, from my 23 years here, the calculus usually means 34 States beat the remainder. But, I say to the ranking member of the committee, these guys did it well. They did a good job. They really rode you. You did not have the votes. I know you fought like the devil on this one, but they did it well. This is really a masterful piece of work.

In the absence of my friend from South Carolina from the floor—I do not want to get him in trouble, but he is the guy primarily responsible for getting me elected, if anybody had helped me, in 1972. But I kind of have a growing resentment toward him. He did not tell me to get on the Appropriations Committee when I got here. I thought you legislated here. I thought the process was, you were to get on authorizing committees. If I wanted to change the criminal justice system, I thought I was supposed to get on the Judiciary

Committee. I did that, and I became the senior Democrat on that committee—sometimes running it on the minority side, sometimes the majority side.

It took me all this time to figure it out, you steered me wrong, Boss. You did not send me the right way. I should have gone to appropriations, because anything I do in that committee—it took me 6 years to put this bill together. We fought it and fought it and fought it and fought it, and when you came up with harebrained ideas like indeterminate sentencing qualifies, I was able to whip you straight up and down. But now I do not even get a chance to do that.

So, I am at some point going to offer an amendment saying that the U.S. Senate should meet as a Committee of the Whole, and we should call ourselves the Appropriations Committee, and we all get a chance at this. I would like to get in on this.

Russell Long, Senator Long, with whom I served for a long time—not nearly as long as the Senator from South Carolina did—used to use that expression "I ain't for no deal I'm not in on." It is obvious I am not in on this deal anymore. I authored the bill, but I am out of it. I do not even get to debate it in the usual form where you get to vote on it. If my friends are willing to have a freestanding amendment on this, we could ask unanimous consent to waive the rules to allow a vote on the prison funding piece. I would welcome that. In the interests of fairness, they might be willing to do that. What do you think? I know the Senator from Massachusetts would support me in that effort, I expect. Maybe we ought to do that. But I have a feeling we are not going to get to do that.

There is another effort that is already underway. That is that thing called the Drug Court Program. This is a long-overdue drug program to crack down on—let me give you the numbers—600,000 drug-abusing offenders who are on our streets today, subject to no random drug testing, no mandatory treatment, and no threat of punishment.

Let me translate that for you. Mr. President, 600,000 folks who were arrested—actually there were about 1.4 million or 1.6 million arrested in America—1.4 million. And here is what happened. There are a total of 2.7 million State offenders who are on probation. There are 1.4 million drug offenders on probation. There are 800,000 of that 1.4 million who are being tested and treated. And there are 600,000 convicted—convicted—convicted drug offenders; not arrested. These are people who either pled guilty or have been convicted in a court of law, who are on the street—no probation, no parole, no testing, no treatment, "no nothin'," as my Aunt Gerty used to say, "no nothin'."

So we came up with an idea. We actually got it from a Republican judge in Delaware, and Dade County, FL. It is

called drug courts. Let me tell you what drug courts do. They capture those 600,000 folks and they say, "Here is the deal. You either—you are subject to random drug testing. If you have a job, you have to keep a job. If you are in school, you have to stay in school. You have to show up for intensive probation. And if you do not do any of those things, you go to jail—probably one of the boot camps which we funded."

But my Republican friends—who I think are getting soft on crime, if not soft in the head on this stuff—they decided we might as well let those 600,000 folks wander the streets, every one of whom is an accident waiting to happen. Every one is an accident waiting to happen.

Before they put drug courts in Dade County, FL, the rearrest rate for one-time drug offenders was 36 percent. After several years of these drug courts, the rearrest rate is down to 3 percent. These work and they work in my State.

But what is the wisdom here? It is better to be soft than tough? Let us do away with this program. The Justice Department has already funded efforts to help local officials plan 52 new drug courts, begin 5 new drug courts and expand 8 other drug courts including one in my home State, that a Republican court, a Republican judge, a Republican attorney general have put together.

Despite this concrete record of success, the conference report would eliminate the separately targeted \$150 million Drug Court Program and require States to fund drug courts, if at all, out of the money that could be spent on hiring cops on the beat. In real terms, this could mean about 85,000 drug-abusing offenders will not be subject to drug testing and mandatory treatment.

The other provisions of the 1994 crime law that are not affected by this bill are also proving to be very effective in combating crime, such as provisions against sexual offenders, death penalty provisions, the Brady law, the criminal alien provisions.

The reason I say "not affected," remember we had this debate before. My Republican friends decided what they were going to do is cut money for the violence against women legislation and do it by the appropriating process. Do it that way. Legislate it that way. And the distinguished Senator from South Carolina came along and said—which he always does, and I am grateful—"By the way, Joe, let me tell you what is coming." And through his leadership we sort of just stood up and said, "Hey, look what they are doing."

We didn't do anything special. They insisted they were going to make the cut. We were going to debate it. We hung on, hung on, hung on, and the very guy who suggested the cut—and I admire him, I truly do, Senator GRAMM of Texas—he ended up introducing the amendment to restore the money for

the violence against women law. So it is not cut here. I guess my Republican friends have heard the call that they had better not fool around with that piece of it.

The reason I am taking so much time today knowing that this is going nowhere anyway—it is going to be defeated—is this is my attempt to play a small part in raising the same kind of call. The new call is OK. We finally got the Republicans to not fool with the violence against women law. They are not going to. They will not have the nerve to try to cut that again. They will not have the nerve to try to cut it again.

But guess what, folks? They are now going after your cops. The answer is going to be, look, we are not cutting anything. The total dollars are cut, but we are not cutting anything. We are just telling the States we are giving you a pot of money and you do with it what you want. So if you want to hire the cops, you can hire the cops.

Mr. KERRY. Will my colleague yield for a question?

Mr. BIDEN. Surely.

Mr. KERRY. As a preface to a couple of questions, I'd like to thank the Senator and ask to be completely associated with his comments—the extraordinary, astute, and accurate comments—that precede these questions.

I also would preface it by saying that there is nobody in the Senate who has worked harder to produce a real comprehensive, systemic response to crime than the Senator from Delaware.

But, is it not true—I ask the Senator having worked together with him on this question of police officers and cops on our streets—that today we have, I believe, one-tenth the effective strength of police officers in the streets that we had 30 years ago? Is that not true?

Mr. BIDEN. That is true. If I can expand 60 seconds on the answer, I say to my friend that 30 years ago for every crime committed, every felony committed, there were three cops. Today for every three crimes committed there is one cop. There used to be three cops for every felony committed. Now we have for every cop three felonies committed. Of the 20 largest States in the Nation, if you look at the last 10 years, the increase in their police force is about 1 percent. Even though the populations are growing, the crime wave is growing above that. The 30-to-10 number the Senator suggests I cannot swear is the number, but it is close.

Mr. KERRY. From 1971 to 1990, in the midst of this increase in crime wave, and in the midst of the diminution in the number of police officers, we increased the Federal spending on lawyers and public defenders by 200 percent, and we increased prison spending by 156 percent. But we only increased the spending on police officers by 12 percent.

I ask the Senator, is it not true that the effort to put 100,000 police directly into the streets of America—the least

costly, the least administratively overburdened manner—was a direct response from police officers themselves, from police chiefs themselves, and from mayors all across this country who simply did not have the ability to respond to this crime wave?

Mr. BIDEN. I say to my friend that he is absolutely categorically correct. And there is one other piece of this. After years of hearings, extensive hearings on the issue of violent crime in America—I realize it does not mean much in the new process; you just do appropriations—but after years of hearings, there are only a few things that we know about crime. The Senator, as a former prosecutor, knows this better than the Senator from Delaware. If there is a cop on one corner, and there is not a cop on the other, it is much more likely that the crime will be committed where the cop is not. I mean it sounds bizarre. We do not know that much about criminal behavior except we know that where there is less crime—prevention of crime; let alone the arrest and prosecution, prevention of crime.

So the purpose of the 100,000 cops and the purpose for the request from the cops was that they are outmanned, they are outgunned, and they are outwitted because of all the array of technology, the new and the different nature of crime in America. That is why we need more cops. That is why they asked for them.

Mr. KERRY. If I could further ask my friend a question, is it not also true that while some communities may decide they do not need nor want a cop, for that community that might make that decision, there are probably 10 or 15 or 20 or 100 other ones in the country that could use 2 or 3 or 4 cops but which cannot get them because even the 100,000 cops is not enough to do what we ought to be doing?

Mr. BIDEN. I answer my colleague by saying the following: Look at the applications that have come in. I will once again compliment the Attorney General. Find me a cop in your State or in the State of California, New Hampshire, or South Carolina representative of Senators on the floor, or Colorado, who calls the process burdensome; the one-page application, No. 1. No. 2, of the applications every single month there are more applications than there is money. They would probably be able to sustain 200,000 more cops. I am pulling that number out. I do not know for a fact. I know there are more applications than there is money.

Since my time is running out, I only have 3 minutes left, I am told, may I conclude rather than answer, on another question?

I would like to reiterate that in its breadth the 1984 crime law reflects the lessons that have been learned over the past decade as we studied crime and law enforcement, and have worked on passing this law. And in its approach,

as well as in its many specifics, the law was a result of bipartisan efforts. We should not retreat on this tough but smart crime package. It already is hard at work preventing violent crime across the country. We should not retreat on the 100,000 cops program that we insisted on just a few months ago.

Let me point out that the \$30 billion crime trust fund that uses the savings from cutting 272,000 Federal bureaucrats—160,000 have already left—pays for every cop, for every prison cell, and for every shelter for a battered woman and child. That is provided for in this crime bill without adding to the deficit or requiring 1 red cent additional in taxes. That was the deal we made right here on the Senate floor 1 year ago.

Now my Republican colleagues are trying to block out what we did, and back out of the deal by refusing to write the checks for next year's funding of the crime law. The money is there in the trust fund.

I have tried today to outline my objections to the Republican retreat represented by this conference report on the key provisions of the anticrime law last year.

So I urge my colleagues to consider very carefully whether this is the right form, the right idea, to dismantle these vital parts of the already successful and highly popular crime bill.

In the end I suspect that the merits will speak for themselves, and the American people will decide whether it is a good idea to take this trust fund money and spend it on 100,000 cops and the other programs here, or reduce it and send it out in block grants. And \$525 million in applications are out there as we speak. Already, as of November 16, the Justice Department has received applications for an additional 9,100 cops under the 100,000 cops program beyond the 26,000 that have already been granted.

This is concrete evidence that the 100,000 cops program is working, is necessary, is local, and is needed. The shift to a block grant is wrong for many reasons. The 9,100 additional police that are all ready to go and waiting for us only to finish this political debate, is the most important reason why to shift the block grant is the wrong thing to do. Let us not try to change horses in midstream. This program is working.

If my Republican friends need to be able to say they have a Republican crime bill so that they can meet their contract pledge, let them pass the antiterrorism bill that we passed. It is the Hatch-Biden bill. Let us call it the Hatch-Republican bill. Let that be your crime bill. You can go back to your Republican conservative friends and say, "You have a crime bill"—in order to meet a pledge that no one signed on to to dismantle one of the few big Federal programs that is working, working well, working without additional bureaucracy, and to do the job.

Let me say in final conclusion, if you doubt what I am saying, I challenge you to go home and find out that for

every new cop that this new bill has in fact funded so far, just ask the police chief, or the commissioner of police, for whom that cop works, to list the number of dollars that cop has made. Then go get the names of the people that police officer has collared, has arrested—the criminal who he gets who names the victims. And then you go ask those victims whether or not this crime law made any sense.

This all comes down to the little tiny things, and the little tiny things here are making sure there are fewer victims of crime, and that those victims are in fact getting their day in court, and that they find the bad guy. That is why we need more cops.

Mr. President, I rise in opposition to the Department of Justice appropriations in this conference report and the attempt by my Republican colleagues to rewrite anticrime legislation on an appropriations bill.

#### PROCEDURAL OBJECTIONS

It is, in my view, a terrible idea to rewrite crime policy—wiping out major programs the Senate created only last year and replacing them with new programs without review or debate—on an appropriations bill. It is unnecessary and completely contrary to how the Senate has traditionally worked.

We all know the Republicans want to change the crime law now at work. They said so in their Contract With America. House Republicans passed a new bill.

Here, Senators DOLE and HATCH introduced their bill to change the 1994 crime law. They have every right to try to do so.

But they have not chosen to do so. Their bill has never been acted on by the Senate, or even had one hearing. Instead, what we now have with this conference report is an attempt to change the current law by lifting entire parts of the crime bill passed in the House and attaching them to this appropriations bill. That House crime bill has already been rejected by the Senate when we amended the appropriations bill to restore the 100,000 cops on the beat program a couple of months ago.

This blatant attempt to sidestep the usual deliberative process of this body is, I believe, a terrible way to make law.

This bill is, of course, dead. It will be vetoed because, among other reasons, it eliminates the commitment the President and Congress made to the American people to get 100,000 cops on the beat. And it will continue to be vetoed until my Republican colleagues get the message that there will be no new crime bill without the 100,000 cops on the beat program. The Senate has already rejected this bill without the 100,000 cops program and it should do so again.

#### OVERVIEW OF THE PROBLEMS WITH THE BILL

Notwithstanding that we'll be right back here doing this again in a few days, I'd like to list and then explain some of the major changes this conference report proposes.

First, as I've mentioned, it would eliminate the 100,000 cops program established 1 year ago in the crime law and maintained in the Senate appropriations bill.

The 100,000 cops on the beat program has already funded more than 25,000 new police officers across the country in its first year alone. And police departments across the Nation have already applied for more than one-half of a billion dollars in fiscal year 1996 to fund more than 9,000 new police. These pending applications are now threatened by this conference report.

In its place is a law enforcement block grant program that is written so broadly that the money could be spent on everything from prosecutors to probation officers to traffic lights or parking meters—and not a single new cop.

This block grant has never been authorized by the Senate.

Let's be clear on what is being done here. What this conference report does is take a crime bill that has been passed only by the House, whose funds have been authorized only by the House, whose block grant idea has already been rejected by the Senate, and incorporate it into the appropriations bill so it is passed and funded—all in one fell swoop.

I will speak more about the 100,000 cops program in a minute, but let me note that, in addition, the bill would completely eliminate or severely restrict other programs set up by the 1994 crime law—programs like: the drug court system, the rural drug enforcement grant program, the law enforcement scholarship program, the SCAMS Program fighting telemarketing fraud against senior citizens, and tried and tested programs that fight youth violence, for example, by putting boys and girls clubs in housing projects.

Under the 1994 crime law, these programs were targeted for separate funds in addition to the funds for the 100,000 cops program. But under the conference report, mayors would have only the amount of the block grant—out of which all efforts would have to be funded.

The result will be that proven crime-fighting programs that the Congress voted to support last year would be effectively eliminated, all without any consideration by the Judiciary Committee or the full Senate as to the wisdom of these changes. And all with the strong opposition of the Nation's law enforcement community.

Mr. President, if we are going to legislate by fiat like this, then we might as well do away with committees, with hearings, with subcommittee markups, with full committee markups, and with careful consideration of authorizing legislation.

We could simply do all the Senate's business on appropriations bills.

I, for one, happen to believe that's a terrible way to proceed and I believe



that's reason enough to oppose this bill. The American people are not well served when major policy changes are made under the time limits facing us on these appropriations bills.

If the Republicans want to change the crime bill, they have the right to try—but let's do it the right way and then let's vote on it. Wiping out major pieces of the most significant anti-crime legislation ever passed by the Congress on an appropriations bill makes a mockery of our Senate process. The importance of the programs we are considering, not to mention the perception of our institution, demands better.

But, given that we are here, I will insist on a full opportunity to debate with my colleagues the merits of last year's crime law programs affected by this bill.

Before I do that, I first want to briefly point out that another Republican plan in this conference report is to drastically cut Federal law enforcement. This conference report cuts the FBI by \$112 million below the President's request—so new FBI agents will not be hired; cuts the Drug Enforcement Agency by \$5 million below the President's request; cuts interagency drug enforcement by \$15 million below 1995 and \$19 million below the President's request; and cuts Federal prosecutors by \$13 million below the President's request.

Let me address these cuts to federal law enforcement. The president requested an increase of \$337 million for FBI agents and other FBI activities—but the Republicans cut \$112 million from that request.

We frequently hear claims in Congress of how much we support law enforcement.

But, as the saying goes, talk is cheap. Talk—without the commitment of dollars—is meaningless. The Republicans on the conference have failed to fund the President's request for Federal law enforcement, despite all the talk about being for law enforcement.

Let's look at these cuts to Federal law enforcement: the conference report cuts \$5 million from the \$54 million boost requested for Drug Enforcement Agency agents by the President.

Again, we hear a lot of talk about how we need to do more to fight illegal drugs, and there is much finger-pointing about how the administration should do more—but in the end it is the Congress that fails to fund the drug enforcement requested by the President.

In yet another important area, let's review what has happened in interagency drug enforcement. The organized crime and drug enforcement task forces combine the efforts of the FBI, Drug Enforcement Agency, U.S. Attorneys, Immigration and Naturalization Service, Marshals' Service, Customs Service, U.S. Coast Guard, and the Internal Revenue Service—all working together in 13 regional task forces to target and destroy major narcotics trafficking organizations.

The President requested \$378 million for this program—but the Republican conference cut this amount by \$19 million. This means that we will cut this important drug-fighting capability below the 1995 level.

In other words, we are not talking about less of an increase—we are talking about cutting a significant part of this program.

Let me also point out that the Republican conference report cuts the President's budget request for U.S. attorneys—our Federal prosecutors—by \$13 million. The President requested an increase of \$86 million to boost Federal prosecutors, but the conference report backed away from this commitment.

In short, this conference report cuts the President's request for Federal law enforcement. So our Federal effort against crime and drugs will be fought by—fewer FBI agents; fewer DEA agents; and fewer Federal prosecutors.

What is one to conclude from the efforts of the Republicans to gut the 100,000 cops on the beat program and severely reduce Federal law enforcement? Is it that tax cuts to a few are more important than protecting the safety of average Americans?

Now I'd like to return to the merits of the 1994 crime law.

#### THE 1994 CRIME LAW IS WORKING

The passage of the major \$30 billion anticrime package last year capped a 6-year effort to launch a bold, comprehensive, and tough attack on violent crime and its roots in American communities.

And as we pass the 1-year mark, it is already clear that the major programs of the bill are working even beyond expectation.

Consider the 100,000 cops program. If this had been a typical grant program, the Federal Government would just now—at the end of the first fiscal year of funding—be preparing to issue the first awards.

The better part of a year would have been consumed drafting regulations and preparing application forms before money could finally be disbursed at the end of the year.

The implementation of the 1994 crime law stands in stark contrast to that typical scenario. Instead of requiring burdensome applications that often filled entire binders, one-page applications were developed. Instead of waiting until the end of the year to disburse the funds, the money was awarded in batches beginning only weeks after passage of the law.

As a result, we find ourselves at the end of the first year with nearly all the fiscal year's money out the door—all of the funds have already on their way to the States—and with more than 25,000 out of 100,000 cops already funded in every State in the Nation. In a word, the law is working.

In addition to the new police, the law's provisions combating violence against women are also working.

The first criminal has been tried and convicted under the new Federal vio-

lence against women statute, resulting in a life sentence for Christopher J. Bailey, who kidnaped and beat his wife nearly to death.

In addition—charges have already been filed in another case.

Every State has received a grant to increase police, prosecutors, and victim services to combat family violence.

Rape shield laws have been extended to protect more victims.

And women no longer have to pay for medical exams to prove they are raped—the victims of rape are finally being treated like the victims of any other crime.

These long overdue measures mean that women are now being protected—instead of further victimized—by the criminal justice system.

Another major accomplishment under the 1994 crime law is the military-style boot camp prisons: crime law dollars are already at work helping 27 States plan, build, and run military-style boot camp prisons for non-violent offenders.

Boot camp prisons allow States suffering from overcrowding problems to move non-violent prisoners into cheaper space—boot camps cost about one-third the price per bed than conventional prisons—thereby freeing up space for most violent offenders.

Yet another effort that is already underway is the drug court program—a long overdue program to finally crack down on the 600,000 drug-abusing offenders who are on our streets today, subject to no random drug testing, no mandatory treatment, and no threat of punishment.

The Justice Department has already funded efforts to help local officials plan 52 new drug courts, begin 5 new drug courts, and to expand 8 other drug court programs (including one in my home State of Delaware.)

Despite this concrete record of success, the conference report would eliminate the separately targeted \$150 million drug court program and require states to fund drug courts, if at all, out of the money that could be spent on hiring cops on the beat. In real terms, this could mean that about 85,000 drug abusing offenders will not be subject to drug testing and mandatory treatment.

Other provisions of the 1994 Crime Law that are not affected by this bill are also proving to be very effective in combating crime, such as the provisions against sexual offenders, the death penalty provisions, the Brady Law, and the criminal alien provisions.

So, Mr. President, last year's crime bill has achieved an extraordinary measure of success during its first year in operation.

Yet, despite all of these accomplishments under the 1994 Crime Law, the anti-crime law is still under attack by the Republicans. Just as the entire scheme of anti-crime initiatives is taking hold, they would eliminate or dismantle many of the law's critical programs and reverse the progress that is being made.

So while it is important to note the success we are having in implementing the act, that is not enough.

We must also review at this point why the 1994 Crime Law represents the right approach to reducing the problem of violent crime in this country and why Republican proposals would prematurely divert us off the right track and unwisely point us in the wrong direction.

#### THE MERITS OF THE 1994 CRIME LAW

During the six-year period it took to enact this law, we undertook a major study and evaluation of the current system to pinpoint the weaknesses in anti-crime approaches. And for the first time, the Federal Government made a major commitment to help states and localities—where 95 percent of crime occurs and is prosecuted—redress the greatest shortcomings of our system.

In the course of the crime study, six key shortcomings of our current system became evident:

1. Most importantly, we do not have enough police out on the streets and in our neighborhoods.
2. We do not have enough prison cells for violent offenders—so they end up serving, on average nationwide, only 46 percent of their sentences.
3. We have not come up with an effective response to criminals who abuse drugs.
4. We do not treat family violence as serious crime.
5. Our police are outgunned by criminals.

6. And our nation's troubled children—who are growing up in a world of illegal drugs, guns, crime and violence—don't have safe places to go and lack positive activities to motivate them toward productive endeavors.

The comprehensive anti-crime bill passed by the congress last year was designed to address each of these key shortcomings.

This law is now providing an unprecedented infusion of Federal dollars to states and localities—to help them attack crime both at the back end—with more money for law enforcement and prisons; and at the front end—with more money for prevention programs that can help keep would-be criminals off the road to ruin in the first place.

The Crime Law reflects the primary lesson learned over the last decade as we studied crime and law enforcement—that all of the shortcomings in our system must be addressed together, that correcting one without the others is futile—because crime offers no single, easy answer.

I had hoped to spend this year watching over the smooth and speedy implementation of the law, while turning my focus to those substantial crime-related issues still before us—including a renewed fight against illegal drugs, and reform of our juvenile justice system as it struggles to deal with violent young criminals the current system was never designed to handle.

But instead of building upon the success the crime law already is having

and moving forward to critical new challenges, the Congress of the United States is in full retreat. The House has already dismantled the crime law, and now the Senate will decide whether it will follow suit.

This premature about-face after finally putting in place the most comprehensive and carefully crafted set of anti-crime programs in our history is not only foolish but irresponsible.

We owe it to the American people to follow through with the measures we promised them and which they demanded for the past several years.

Let me address the merits of these programs.

#### THE 100,000 POLICE PROGRAM

Let me turn first to the central provision of the new law—the 100,000 cops on the beat program that I will fight with all my might to preserve.

I do not know a single responsible police leader, academic expert, or public official who does not agree that putting more police officers on our streets and in our neighborhoods is the best way to fight crime.

Community policing enables police to fight crime on two fronts at once—they are better positioned to respond and apprehend suspects when crime occurs, but even more importantly, they are also better positioned to keep crime from occurring in the first place.

I've seen this work in my home State of Delaware, where community policing in Wilmington takes the form of foot patrols aimed at breaking up the street-level drug dealing that had turned one Wilmington neighborhood into a crime zone.

These efforts successfully put a lid on drug activity, without displacing it to other parts of the city. In practice, community policing takes many forms, but regardless of the needs of particular communities, the reports from the field are the same—it works.

The 1994 crime law targets \$8.8 billion for states and localities to train and hire 100,000 new community police officers over 6 years.

Now, we all remember the criticism last year of the 100,000 police program. The cops program won't work, Republicans in Congress said. They got Charlton Heston to say in national television ads that it would never happen, that we would never see more than 20,000 cops.

Well "Moses" could not have been more wrong. We already have 25,000 new local police officers on the streets of America—after only 1 year under the new law. And because of the way we've set it up—with a match requirement and spreading out the cost over a period of years—the money will continue to work, keeping these cops on the beat and preventing crime in our communities far into the future.

But that progress will come to a screeching halt if my Republicans colleagues get their way.

They have proposed and incorporated into this conference report a new law enforcement block grant—which has

loopholes so big that it would permit all the money to be spent without hiring a single new police officer. Not one.

Read their proposal. Money is sent not to police but to mayors, and the money may be used not only for cops but also for other types of law enforcement officers or for many other purposes or initiatives. Moreover, the money could be used for other vaguely defined purposes such as "equipment, technology and other material."

Let me repeat—under the Republican proposal the dollars can be diverted to prosecutors, courts, or other law enforcement officials.

These may be worthy causes, but nothing in the Republican bill requires that even \$1 be used to hire a single new police officer—and the one thing we know is that more community police officers means less crime.

Look at the language of this bill. Not even one new cop is required. All it says is that "recipients are encouraged to use these funds to hire additional law enforcement officers." That's it. Encouraged.

Mr. President, American communities don't need our encouragement. They need more police.

We should not encourage the States to keep the commitment this Congress made to the American people. We should keep our word.

What this conference report does is take money that has been designated for cops on the beat and allows it to be used for a whole host of disparate purposes. That means only one thing for sure—the money will be wasted on things the Federal Government should not be funding. The great benefit of the 1994 crime law was that it gave States enough choice but also gave them enough direction. That direction is what differentiated this crime law from the failed crime laws of the past, yet that direction is precisely what this block grant throws out the window.

That is the major flaw of the Republican block grant.

I believe that the single most important thing our communities need when it comes to fighting crime is more police, and the current law guarantees our money will be used for just that purpose.

We should not abandon it 1 year after enacting it. We must save the 100,000 cops program to ensure that the money for police is used only for police.

#### PRISON GRANTS

The second major shortcoming in the current system is prison space, and the prison program in the crime law we passed last year was designed to meet two goals:

First, to help States increase—and then use to maximum advantage—their supply of prison space; and second, to encourage States to adopt the kind of truth-in-sentencing system that has been instituted at the Federal level.

Today, prison systems in 34 States are under court order due to overcrowding.

Because there are not enough prison cells, many States are keeping violent criminals behind bars for only about half their sentences—46 percent is the nationwide average.

Worse yet, 30,000 offenders who, each year, are convicted of a violent crime are not even sentenced to prison.

The 1994 crime law is helping States respond to this problem with a \$9.7 billion grant program.

Under the 1994 law, States can use the money to build and operate additional secure prison cells for violent criminals—or for boot camp prisons for non-violent offenders, thereby freeing up secure prison spaces for violent criminals.

Let me tell you about these boot camps. Today, 160,000 young, non-violent, minor offenders are behind bars in costly prison cells. That just does not make sense.

So the law encourages States to make the most efficient use of existing prison cells—by putting violent offenders in the most expensive cells, and housing nonviolent, minor offenders at one-third the cost of conventional prison space in military-style boot camps.

I am encouraged that the Republicans' prison proposal permits States to use this funding for boot camp prisons—that is an important change from the house-passed appropriations bill.

#### KEY PROBLEMS WITH CONFERENCE PRISON PLAN

One key problem with the Republican prison plan is that the plan permits States only to build or expand prisons—leaving out the ability to spend these funds to operate prisons.

This just does not make sense, when the 1994 prison provisions were written, we heard several States had already built prisons, but could not open these prisons because of a lack of operating funds.

A close look at the fine print of this bill reveals what I believe is one of its most troubling aspects. While \$617 million is appropriated for the prison grants in the conference report, the Republican conferees raided \$200 million of that to fund prisons in just 7 or 8 States.

Let me explain—the bill directly funds \$300 million to reimburse States for the costs of housing criminal aliens in State prisons. This was a provision included in the 1994 crime law, and I support this goal. But, on top of that \$300 million in direct appropriations to reimburse States for incarcerating criminal aliens, language was slipped into the bill so that an additional \$200 million was shifted from the general prison grants for all states to the criminal alien reimbursement program.

So I point out to my colleagues—if you are not from Arizona, Florida, Texas, Illinois, New York, New Jersey, California, or Michigan—funds that should have gone to building prisons in your State have been stolen by this conference report.

This is outrageous, I support the need to reimburse States for these

costs, but the 1994 crime law recognized that crime is plaguing all states not just a few of our Nation's largest border States.

#### FIGHTING DRUG RELATED CRIME

The third major shortcoming of our current system is the failure to limit drug-related crime.

The new law provides money for specialized drug courts to target low-level drug offenders who are out on the streets breaking into cars and stealing to support their habits.

In most communities, these offenders are now largely ignored by our system. They do not go to prison and they are not required to comply with drug testing or get treatment.

Most are simply sent right back out on the streets on largely unsupervised probation—and they go right back to the cycle of drug use and crime to support their drug use.

The heart of the problem is that, just like the prison populations, the probation and parole populations have exploded. More than 3.5 million offenders—half of them drug addicts—are now living in their communities under the nominal supervision of courts or corrections officers.

According to the Justice Department, of the roughly 1.4 million drug-abusing offenders on probation, only 800,000 are subject to some drug testing or drug treatment. The remaining 600,000 drug-addicted offenders are on our Nation's streets each day, unsupervised, untested, with no fear of punishment. They are accidents waiting to happen.

Many of these probationers are high-rate offenders. Hard-core addicts are estimated to commit up to 200 crimes a year to support their habits.

As the number of probation officers has not kept pace with the growth in the probation population, probation caseloads now average 118 offenders.

In some areas, caseloads can exceed 200.

With so many offenders, officers are able to conduct only minimal supervision at best—perhaps 15 minutes a week.

We know who these people are. Judges and probation officers have their names and addresses. So why do we ignore them?

Drug courts are designed to take these offenders and their crimes seriously—offenders face random drug testing and mandatory treatment. And, if they slip back into drugs—they go to jail.

Yet the Republican proposal totally eliminates drug courts. The bill wipes out all funding. We must preserve the necessary money to fund the drug courts.

#### PREVENTION PROGRAMS

I turn now to an issue that has been the subject of more misinformation and outright mischaracterization than perhaps any other in the crime debate—whether we should work to prevent crime before it happens, instead of waiting until after the shots are fired,

until after our children become addicted to drugs, until after more Americans' lives are ruined.

The anticrime law enacted last year answered that question unapologetically.

In addition to fighting crime, the law made a commitment to preventing crime—a commitment supported by virtually every criminologist, every legal scholar, every sociologist, every psychologist, every medical authority, and simple common sense.

Those who study this issue agree that breaking the cycle of violence and crime requires an investment in the lives of our children—with support and guidance to help them reject the violence and anarchy of the streets in favor of taking positive responsibility for their lives.

Prevention is also what cops want—what virtually everyone in law enforcement wants.

Every police officer I have talked to, every prosecutor, every prison warden, every probation officer, says the same thing—we can't do it alone. And we can't do it all after the fact.

And listen to local officials—the very people the Republicans say they want to give greater voice: Republican mayors Giuliani of New York and Riordan of Los Angeles say this: [B]y funding proven prevention programs for young people, the crime bill offers hope—hope that in the future we can reduce the need for so many police officers and jails.

Listen to Paul Helmke, the Republican mayor of Fort Wayne, IN: [I]t's a lot less expensive to do things on the prevention side than on the police side.

This unity among law enforcement was the force that drove the prevention programs into the 1994 crime law and into the appropriations bill as passed by the Senate just a few months ago. We need to give these programs a chance. If after a few years the prevention programs in the anti-crime law do not work, I will be first in line to change it.

The 1994 crime law sets aside \$5.4 billion to give States money—and flexibility—to implement many types of crime prevention programs that have proven track records of success.

As part of that money, \$30 million is allocated to fund crime prevention programs such as TRIAD and boys and girls clubs and other local initiatives.

The TRIAD programs are the joint efforts of sheriffs, police chiefs and senior citizens—practical cooperation that helps combat crime against our elderly citizens.

In hundreds of public housing projects across the country, boys and girls clubs give kids a safe place to hang out after school—a place with positive activities and positive role models.

A recent, independent evaluation has reported that housing projects with clubs experience 13 percent fewer juvenile crimes, 22 percent less drug activity, and 25 percent less crack use, than do projects without clubs.

Other local prevention programs are having great success as well. For example, in Honolulu, professionals identify families at risk for neglect or abuse when children are born and then visit their homes regularly over several years to help parents learn to care for their children. In Houston, TX, a core of professionals provides one-on-one counseling, mentoring, tutoring, job training and crisis-intervention services to students at risk of dropping out.

Although many communities are putting their best foot forward, the need and demand for prevention programs far outpace the supply.

And yet the Republicans have eliminated the separately targeted funding for these programs and thrown them into the block grant—a move some charge is cold-hearted and mean. But I say it's just plain dumb.

The prevention money in the crime law is an investment in our future that we simply cannot afford not to make—not when we are spending \$25 billion to lock people up every year.

And there are issues here even more important than money, because the commitment that we make today will define us as a nation tomorrow.

Prisons, though essential, are a testament to failure: they are the right place for people gone wrong.

On the other hand, when a life about to go wrong is set back on the right track—that is a testament to hope.

We build hope by showing children that they matter, by challenging disaffection with affection and respect, and by contrasting the dead-end of violence with the opportunity for a constructive life.

That's why we need to restore the separate funding for these prevention programs, in addition to the funding for the 100,000 cops program.

#### CONCLUSION

In concluding, I want to reiterate that in its breadth, the 1994 anticrime law reflects the lessons learned over the last decade as we studied crime and law enforcement and worked on passing this law.

And in its approach, as well as in many specifics, the law was the result of bi-partisan efforts.

We should not retreat now on this tough but smart crime package that already is hard at work in preventing violent crime across the country. And we should not retreat on the 100,000 cops program that we insisted on just a few months ago.

Let me also point out that the \$30 billion crime law trust fund that uses the savings from cutting 272,000 Federal bureaucrats (160,000 have already left) pays for every cop, every prison cell, every shelter for a battered woman and her children that is provided for in the crime law—without adding to the deficit or requiring new taxes.

That was the deal we made right here on the Senate floor 1 year ago. Yet now my Republican colleagues are trying to back out on the deal by refusing to

write the checks for next year's funding of the crime law.

I have tried today to outline my objections to the Republicans retreat—in this conference report—on the key provisions of the anticrime law enacted last year.

So I urge my colleagues to consider very carefully whether this is the right forum and the right idea to dismantle these vital parts of the already successful and highly popular crime law.

In the end, I suspect that the merits will speak for themselves and the American people will decide whether it is a good idea to debilitate the Crime Law just as it is showing clear signs of success.

This program is a very bad idea. I expect we are going to get to debate this again. So in light of that, and in light of the fact I have no more time—I am sorry. My staff is now fired. They gave me a note saying before I had 3 minutes, and now I see it is 30 minutes. But I will yield the floor and reserve the remainder of my time.

#### COPS ON THE BEAT/COMMUNITY ORIENTED POLICING PROGRAM

Mr. HOLLINGS. Mr. President, this conference report proposes to terminate the successful Cops on the Beat or the Community Oriented Policing [COPS] Program. This is one of the craziest things I've seen since coming to the Senate. I had always thought that getting more police on the streets was a rock solid conservative, and for that matter, a bipartisan value. If there was one thing I thought we all could agree on, it was our belief in local law enforcement.

This attack on this police program comes as something of a surprise to me. I've looked back at the debate on last year's crime bill, and what I saw was statement after statement by Republicans attacking the authorization of crime prevention programs—not hiring police. As I recall, the only major argument against the Cops on the Beat Program was that some Republicans didn't think we could succeed in getting 100,000 additional police out on the streets in America. Yet in statement after statement, they said they supported more police.

Now, the tables have turned. The majority party is against police and the Cops on the Beat Program because we are for it. That is absurd. After 29 years in the Senate, I have finally cracked the code—as they say in the Pentagon. In the current Senate, if Democrats support a program, then the majority feels compelled to do the opposite. And they will do the opposite even when they are cutting off their noses in spite of their faces, as in the case before us.

The lesson that I guess we as Democrats need to learn is that we apparently must do the opposite of what we think is right. Then the Republicans will do the right thing. So tomorrow, I guess I should call the President of the United States to suggest that he come out with both barrels blazing in a call to eliminate the Commerce Depart-

ment. If he did, I have no doubt that the majority leader, the very next day, or one of the other Republican Presidential candidates would be holding a press conference attacking the President's position with an argument that it would be ludicrous to disband the only Cabinet Department that serves as an advocate for American industry.

#### BLOCK GRANTS

Mr. President, when I look at this bill, I think it is a little block grant crazy. It kills the Cops on the Beat Program and says make it a block grant.

I find this faddish obsession with block grants to be most interesting. It was just a little over 2 years ago that President Clinton submitted a \$16 billion economic stimulus program. And I recall that it was the casualty of the 103d Congress' first filibuster in which Republican Member after Member attacked it for including block grants. Each speaker talked about the types of questionable projects that could be allowable under block grants. They talked about pork-barrel swimming pools, parking garages and canoeing facilities. Of course, none of those things was actually in the bill. But, the flexibility and discretion provided by block grants enabled Governors and mayors to fund such projects. And so, my Republican colleagues stood for days on the floor and attacked the allowable uses of block grants. Predictably, there was a public outcry. In turn, they defeated that bill, not for what was in it, but because of the basic concept of block grants.

Now, here we are with the 1996 Justice appropriations bill and we have a successful and effective program to hire and train tens of thousands of police officers and get them on the beat. And what is the opposition proposing? To kill the program and create a block grant that will send checks for Governors. Unbelievable.

#### REMEMBER THE LEAA?

Now, Mr. President, this block grant idea is *deja vu*. Those of us in the Chamber that have been here awhile—those of us with an institutional memory—know that this notion of police block grants is nothing new. Back in the 1970's, we tried a block grant program for law enforcement and it was a miserable failure. Our experience with the Law Enforcement Assistance Administration, or LEAA, is worth reviewing.

LEAA was “sooey pig.” It was a boondoggle. It was all those things that my Republican colleagues complained about in 1993. Communities across the Nation used their LEAA block grant funds to buy tanks, cars for mayors and even encyclopedias. LEAA funds were used to hire consultants who produced numerous plans that only were shelved to rest in peace. The LEAA was the Beltway Bandit's best friend. It was the same old story—Federal money was used to fund projects for which Governors or city councils were unwilling to use locally-raised funds.

Quite simply, LEAA was a waste of taxpayer funds. By the time President Carter came to town, he had seen LEAA firsthand as a Governor in Georgia. And he knew of the program's Federal largesse and wastefulness. So he rightfully told Congress to kill the program.

A good summary of our experience with the LEAA is in the 1982 edition of the Congressional Quarterly:

Fourteen years after its creation, the Law Enforcement Assistance Administration (LEAA) went quietly out of business April 15, a demise ordered by Attorney General William French Smith but preordained in the final years of the Carter Administration.

In its somewhat troubled life, the grant agency dispensed nearly \$8 billion to local law enforcement agencies for programs such as improved police equipment, shelters for homeless youth and special local task forces to prosecute "career criminals." In recent years, however, LEAA was criticized for requiring too much red tape in its grant program and for wasting money on Dick Tracy-type gadgetry.

#### COPS ON THE BEAT

Mr. President, for \$8 billion we got nothing from these LEAA block grant programs. Compare that with the Cops on the Beat Program. We have spent \$1.358 billion in 2 years. Already, we have gotten more than 26,000 additional police officers funded to go on the beat in small towns and cities throughout America.

I don't believe that I have ever seen a more effective program with less red tape. And if you want to hear about the success of this program, just talk with local sheriffs and police chiefs across the country.

In South Carolina, the COPS program has funded more than 255 extra police to patrol communities. And it's working. Members of my staff have traveled extensively across South Carolina to meet with local police to find out about the program. As far as I know, there has not been a single negative comment about the program. In fact, most chiefs and sheriffs were extremely supportive of the program. Here are some typical comments we got about the program:

"This was the easiest Federal program I've ever seen," one chief said.

"There is no way we could have hired an additional officer without this grant," said another.

"The application form—just one page—was so simple. There is no way it could have come from Washington."

Finally, listen to what was said by the chief of police of Yemassee, a small lowcountry town in Beaufort and Hampton counties that is a few miles from Hilton Head Island. Administrators with the COPS program dealt directly with the Yemassee Police Department and expeditiously provided funding. The department was able to hire one additional officer, an ex-marine who recently left Parris Island. Jack Hagy, Yemassee's chief, told my staff that it is the first time in his career that the Federal Government ever did anything for Yemassee. The entire

town is enthused. In a small town like Yemassee, one extra police officer has a tremendous impact.

Quite simply, in South Carolina towns like Yemassee, Abbeville, Calhoun Falls, McCormick, and Mullins, and in larger cities like Charleston, Greenville, and Columbia, the COPS program has made a difference. Across the Nation, the successful addition of 26,000 more officers in just 2 years shows that we have a winner with the COPS Program. For once, Congress and the Administration got one right.

Let's take a look at why. The COPS program is focused. It has measurable goals. It is all teeth and no fat. Its administrative costs are less than 1 percent. Compare that to the block grant proposal, which has administrative costs at 2.5 percent. No other federal program can match the COPS program's efficiency.

In fact, part of the COPS program is specifically targeted to help smaller communities like Yemassee. This part, called COPS FAST, has no red tape. Instead, all that is required is a one-page application.

Also, the COPS program has accountability. It's no giveaway. It requires a shared commitment and responsibility at the local level. Police and sheriffs' departments have to make a local financial commitment to be involved. They have to put up 25 percent in matching funds to participate.

Furthermore, the COPS program has cut administrative overhead with a customer response center, personalized grant officers, and simplified procedures. The Justice Department is getting out funds to small communities within two months of application. And there are no middlemen. The program is fully competitive and non-partisan.

Finally, the COPS program has been working with the Defense Department to initiate a "Troops to Cops" program to encourage the hiring of recently-separated members of the military, such as our friend in Yemassee.

#### THE WAR ON CRIME

Mr. President, the conference report before us adds funds to hire thousands of additional Border Patrol agents, FBI agents, federal prison guards, INS inspectors and DEA agents. These are the people that my sheriffs and police chiefs in South Carolina call "the Feds." Now, maybe we could use more Feds. But, if we think that only they will really make a dent in the war on crime in America, we are fooling ourselves.

That war is going on in every city and town across America. Crime generally is a local, not a federal, occurrence. What Americans fear most today is violent crime in their communities—murder, rape and robbery. Generally, those crimes are dealt with by local police, not the Feds. This COPS program is the best and most effective weapon that has been developed so far to assist state and local law enforcement officers in combatting these crimes. Unlike block granting, the COPS program does it right.

Some have said that we in Washington shouldn't decide if local governments need more police. They claim that we should just give them a check, or as this conference agreement proposes, give checks to governors and mayors so that they have the "flexibility" to allow them to buy other things or establish prevention programs.

Well, Mr. President, the last time I checked, 10 out of 10 people who call the police for help—are calling for a cop. They don't want to hear about a check or flexibility. They don't want to know about a tank or high-falootin', Dick Tracy gadgets. They want a police officer to come to their assistance.

There is no higher need than putting foot soldiers out on the front lines to battle crime. If there are other law enforcement infrastructure needs, there are enough other existing federal programs, such as the popular Byrne grant program, to meet those local needs.

Results speak for themselves. Some 26,000 police are out in local communities that weren't out there just two years ago. If we stick with the COPS program, that number will be more than 40,000 in just another year.

Maybe that's the problem. Maybe my Republican colleagues want so desperately to kill the COPS program simply because it is so effective.

Mr. President, I have received numerous letters from police and law enforcement groups across this nation that are pleading that we restore funding for the COPS program. Let me just quote from a few here:

The Fraternal Order of Police (President Gilbert Gallegos):

Since its inception in September 1994, the COPS program has provided 26,000 state and local officers. These men and women, and those who join them as the COPS program continues to meet its goals, will play a vital role in the effort to make our streets safe for law-abiding citizens. . . . On behalf of the 270,000 rank and file officers who make up the FOP, you have our thanks and support.

National Association of Police Organizations—Robert Scully, Executive Director:

The National Association of Police Organizations (NAPO) representing over 185,000 rank and file police officers and 3,500 police associations . . . has been behind the COPS program since day one. We oppose altering this successful program to a block grant approach because we know that unless the monies are given directly to law enforcement agencies to hire more police officers, the funds will be diverted by local bureaucrats with their own agendas. . . . (COPS) is the single most effective crime program working to make our streets safer and law enforcement sees no reason to change it.

Police Executive Research Forum—Chuck Wexler, Executive Director:

Police Executive Research Forum members have spoken out strongly against the proposed Senate block grant program which, under this appropriations package, would replace the COPS program. The replacement of the COPS program with block grants would hinder PERF members' efforts to improve public safety and address community problems. . . . this issue is of ideal importance to

the law enforcement community and the entire nation, it is imperative that you and your colleagues understand and consider our concerns.

National Sheriffs' Association—Charles Meeks, Executive Director:

On behalf of the National Sheriffs' Association, I am writing in support of your amendment to the FY96 Commerce, Justice, State Appropriations bill to continue the COPS program. Because of the COPS program, over half of the nation's sheriffs have hired over 1,300 deputies moving toward increased law enforcement presence in our counties. This program of police hiring, in conjunction with community policing, will go a long way in helping to reduce crime in our counties.

The Law Enforcement Steering Committee—James Rhinebarger, Chairman:

The elimination of the COPS program would hinder our efforts and the progress made in community policing, and would ultimately prove detrimental to the nation's public safety. . . . This is an issue of vital importance to the law enforcement community and the entire nation.

AN ATTORNEY GENERAL WHO'S BEEN THERE

Mr. President, I have served with quite a few chief law enforcement officers since I came here in 1966. There are a lot of impressive names on that list—Ramsey Clark, Griffin Bell, John Mitchell, Elliot Richardson, Ben Civiletti, William French Smith, Dick Thornburgh, and Bill Barr. But, I have to say that I have never seen a better Attorney General than Janet Reno. She comes from local law enforcement and is from an area that has its share of crime, Dade County, FL.

With Attorney General Reno, what you see is what you get. She is a no-nonsense leader who understands accountability. She understands firsthand what is needed to combat crime.

This Cops on the Beat Program is her program. During a speech last year, she summed up why we need the COPS Program and why it is far and away the most important component to last year's crime bill. In addressing police groups in October of last year, she said:

The truth is, criminals do not stand in awe of a piece of paper or a bill or an Act. They look at results. Violence in this country does not magically recede because we have a piece of paper that says it should. Violence in this country recedes and is reduced because of efforts of officers on the front lines making a difference in their community, . . . and of officers getting the resources they need to do the job.

#### CONCLUSION

Mr. President, at this point we cannot really change what the Republican leadership has chosen to do to the COPS Program in this conference agreement. This agreement is in the nature of a substitute, and the COPS Program cannot be amended or voted upon separately. I, for one, do not believe that we should be rewriting the 1994 crime bill in this conference agreement.

As I stated earlier, this conference report is going to be vetoed. Make no mistake about that. It is my hope that we can move expeditiously on to round two and develop a bill that can become law. And, as part of that process, I hope

that my Republican colleagues will agree to restore funding for the Community Policing Program.

Far too many issues become partisan this year. This is the craziest session of Congress that I have seen. Our support for police and sheriffs has always been bipartisan. Let's not change that. I hope that my Republican colleagues will listen to their local law enforcement officers, that they will support our men and women on the front lines, and that they will join me in supporting the Cops on the Beat Program when this Commerce, Justice and State bill comes back to the Senate.

Mr. GREGG. Mr. President, I yield 5 minutes to the chairman of the Appropriations Committee, Senator HATFIELD.

Mr. HATFIELD. Mr. President, I rise to support this conference report and consider it a balanced approach in meeting the funding needs of the agencies and departments contained in the bill, and considering it within the context, of course, of the parameters of the budget resolution.

Senator GREGG has done an excellent job picking up on the difficult task of bringing this bill through conference. I might just remind our colleagues that Senator GREGG came into this picture sort of like a little after halftime in the game to start quarterbacking this particular bill. I think he and his staff deserve a lot of credit for the product that is before the Senate today.

I also want to compliment Senator HOLLINGS for his dedication to this bill and its programs.

This has not been an easy year for any of us here on this committee or within the Senate, but I think it has been made easier by the fine leadership of this subcommittee. And I might comment at this time that Senator HOLLINGS and his staff have served with distinction on this subcommittee for almost a quarter of a century. His knowledge and expertise was a critical factor in framing the bill and bringing it to this point in the process.

As you remember, the budget resolution passed by both the House and Senate called for the elimination of the Department of Commerce. I voted for the budget resolution and continue to support its goal of a balanced budget. This conference report does not eliminate the Department of Commerce. It does cut funding Departmentwise by 14.5 percent. But it does nothing close to eliminating this Department.

I should like to sort of make a sidebar comment here, which is that it is a bit ironic that the Republican Party seems to be the leading proponent of abolishing the Department of Commerce, with its headquarters being named the Herbert Hoover Department of Commerce Building, because probably the greatest Secretary of Commerce of all time, the man who really built the Department, was Secretary Herbert Hoover under the Harding-Coolidge administrations, and that Department never had a stronger leader, nor

did it ever have a more important function in our Government.

Having Senator HOLLINGS in the Chamber at this time, having served with Mr. Hoover on the Commission for reorganizing the executive branch of Government, I remind my colleagues, in the wisdom of his youth, Senator HOLLINGS was a Republican, a young Republican, and a great admirer of Mr. Hoover, as am I. And it is, as I say, a little ironic that he helped, along with others of this body, to help create a name for that Department, and there was only one name to ever consider, and that was Herbert Hoover.

The chairman of the Foreign Relations Committee, Senator HELMS, voiced his frustration this morning about the pace of authorizing legislation. This is a serious problem because the budget resolution, in our efforts to balance the budget, loses a lot of its teeth in the absence of necessary authorizing legislation needed to enact the cuts in domestic discretionary spending contained in the resolution.

We are in a situation, Mr. President, as members of the Appropriations Committee, where we are getting "Hail Columbia" from all sides in this particular dilemma that we face in this Congress. This has been the case for many years, because we do appropriate funds to hundreds of programs that lack authorization, expired or otherwise. We appropriate funds to programs and departments the Senate has voted to eliminate.

As the President and the Congress continue to negotiate a road map to a 7-year balanced budget, our trip must include stops through the authorizing committees. The Appropriations Committee cannot shoulder the whole burden in reshaping, redesigning and eliminating programs and departments without guidance from the relevant authorizing committees of jurisdiction.

This conference report includes critical funding for ongoing scientific research being conducted by the National Oceanic and Atmospheric Administration. While I would have preferred more funding for the NOAA operations, research and facilities, I am pleased that the Agency is very close to a freeze, at the level provided in 1995.

For the Department of State, the operations accounts, including salaries and expenses, have been funded at a level adequate to address the many pressing demands of our Foreign Service officers. It may not mean for the programs we have committed to, and particularly peacekeeping activities, we are really underfunded.

The conference report provides \$348.5 million for the Economic Development Administration. This is a slight decrease from the 1995 level and would allow the EDA to continue their worthy efforts.

Also, on the issue of the Legal Services Corporation, I supported Senator



DOMENICI and worked with him in conference to get the funding at a higher level.

While we ended up at the House level of \$278 million, this important issue deserves further consideration in the second round after the expected veto of this bill.

Negotiations are ongoing with the administration on this bill. This morning, we received a letter from the Office of Management and Budget which states that the President would veto this appropriations bill. I am hopeful that we can reach an accommodation with the administration on this bill and the other six appropriations bills that remain.

Again, I thank Senators GREGG and HOLLINGS and compliment the staff for their hard work.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HOLLINGS. Mr. President, let me thank the distinguished chairman of our committee. He and I have been in harness together since 1958 when he was elected the Governor of Oregon and I the Governor of South Carolina, and you get saddened when you see all your good friends announce that they are leaving, and particularly this friend here because he has been absolutely fearless, has Senator HATFIELD.

It has just been a thrill to watch him at the gubernatorial level and then at the national level, a man of his own mind, absolutely ethical, of the highest integrity and most of all dedicated—I think I am dedicated to peace, but there is no doubt that some would say I would rather start a war than stop it—but no doubt about the Senator from Oregon, he wants to stop all wars. And he has really made history in that regard. That is why, as warlike and as contentious as I can be, I am trying to look with favor on the present proposition relative to Bosnia.

But thanks should go to the distinguished chairman of our Appropriations Committee for his leadership. We had an awfully difficult time getting the bill to Senator GREGG for his leadership. He saved that bill two times when we were not going to have a bill. So I am particularly grateful for his overcomplimentary remarks about me.

Incidentally, I was at the time, in 1953 and 1954, a Democrat. I was trying to start up as a Republican, but the late Senator Burnet Maybank grabbed me and said, "What's the matter with you, boy?" I said, "Well, I wanted to run here for the legislature." He said, "You've got to run as a Democrat." I said, "Yes, sir."

Mr. HATFIELD. Easy composure.

Mr. HOLLINGS. That was easy composure. I thank the Senator.

Mr. President, I yield to the distinguished Senator from Massachusetts 10 minutes.

Mr. KERRY. I thank the Senator.

Mr. HOLLINGS. Mr. President, I understand 20 minutes were reserved for the Senator from Arkansas which have been yielded back, so I yield 10 minutes of that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I thank the Senator from South Carolina. I may not use the entire time, but I would like to pick up where I left off in the questioning with the Senator from Delaware. There is not anybody in America who has not become so aware—I think "overwhelmed" is a better term—by the level of violence that seems to consume this country at this time.

I think it reached a new level of depravity with the story a few weeks ago when a woman was murdered and cut open so that her live fetus could be taken out by animals who somehow had the notion that it was an acceptable way to give someone else a live child. We are raising sociopaths in this country at a rate that ought to alarm every American. I think it does alarm them, and it somehow rings rhetorical alarm bells in Congress, but it just does not produce a response that is adequate.

I think most Americans know that. I think most Americans understand that unless the 36 percent of children nationwide who are born out of wedlock, who have little prospect of anybody in their lives giving them some values, unless the prospect of those kids gaining some sense of what this country and civil behavior is all about increases, we are going to see a lot worse in the next 10 or 15 years.

What astonishes me, Mr. President, is that every analysis by competent people, every criminologist, every researcher in the field of youth violence, is telling us that this Nation is going to see a wave of criminal activity among our young unless we do something about it.

The response in this bill, notwithstanding good efforts by good people to take a minimal number of resources and shift them around, is just inadequate. It is simply inadequate when we know that we have one-tenth the number of the police force we had 30 years ago—when people are scared to go out of their home at night—go to a part of town that they know may not be safe at night—when people are worried whether or not their car will be stolen when they go out.

The greatest single message and deterrent in taking back the streets from that fear and from that kind of thug dominance are police officers. The Senator from Delaware said that 15 years ago—this is a fact we talked about many times—we had 3.5 police officers per violent crime in America. Today we have anywhere from 3.5 to 4.6 violent crimes per police officer.

It is not rocket science to begin to understand the relationship between putting the police officer on the street and the ability to deter crime. Most thugs do not go out and walk into a 7-11 or a gas station when there is a cop standing 40 yards away or where there is someone that is on a regular patrol and they know the chances of being apprehended are pretty good.

The problem in America is that over the last 10 or 15 years we have sent a message to people that the probability of being apprehended is not so good. In fact, Mr. President, two out of five people who commit murders in America will never cross the threshold of a police station, let alone a courthouse. We have also learned that in community after community after community where we have put police officers on the street in community policing, life has improved.

Just this past week the Attorney General visited Lowell, MA, where we managed to get a Federal grant to help create a community policing entity in a part of town that had seen pimps and prostitutes and drug gangs take over the streets. The moment the police came in, the pimps and prostitutes and drug gangs disappeared and the stores on that street came back to life and seniors began to say, "We can come out of our house again and walk to the store." It is basic.

Here we have a bill that turns its back on the pleas of police officers, on the pleas of local communities and suggests that somehow we are going to be better off by creating a block grant where communities will now compete against all the other interests in the community in law enforcement rather than going to the priority that we chose—which is putting police officers on the street.

I suppose block grants might be conceivable if you had the resources being dedicated in all the other areas so that you could make a difference. But the fact is, we do not have those resources in the other areas, and we know it. The police should not have to compete against the computers, against the cruisers, against the equipment, against floodlights for a jail, that we need. If they do then we are going to go back to where we started from—that prompted us to guarantee that there are well equipped police officers on our streets.

Mr. President, about 11 percent of all our crimes in this country occur each year in our 85,000 public schools. It is estimated today that 1 out of 20 students brings a gun to school at least once a month. We understand that perhaps more than 200,000 students in America now pack weapons along with their lunches because of their fear of violence in and on the way to school. According to the National School Safety Center, nearly 3 million crimes are committed in, near, or around a school campus every year. That is one crime almost every 6 seconds that a school is in session.

So, Mr. President, this is not a smart approach to the problems of increased criminal activity in this country. It is not enough. If this represents the best that we can do at a time when the country is in crisis, then we ought to be forced to go back to the drawing board and do better.

Mr. President, violence is an epidemic in America that knows no local

or State boundaries. It is spilling over into thousands of communities across America. In September, in Massachusetts, a young prosecutor, Assistant Attorney General Paul R. McLaughlin, was gunned down by a hooded youth in a display of a level of gang violence and immorality unprecedented in this country. It was a brutal assassination of a public servant doing his job—the kind of violence we see in other nations, but not in America.

Against that backdrop, it is ironic that I have to come to the floor of the U.S. Senate to plead with some of my colleagues to keep cops on the street—to plead for them to abandon ideology and their own political agenda and respond to do what is right, not what is expedient.

I fear, Mr. President, that our headlong rush to balance the budget at any cost—even the cost of the life of a young prosecutor—is irrational, irresponsible, shortsighted, and immoral.

Now, I know that perhaps nothing could have stopped this brutal murder, but we have to ask ourselves today, what are our priorities. What kind of people are we if we chose the bottom line over the lives of public officials. If we rigidly hold to extremist dogma no matter who gets hurt and who suffers.

Mr. President, let us bring this debate about Commerce-Justice-State appropriations to where it belongs—with the will of people—the concerns of thousands of local police officials who came to Washington to testify year after year for us to give them directly the tools they need to fight crime on the streets.

And almost 8-years later we are here virtually thumbing our noses at them and doing so in the same week that violence on the streets has reached a dangerous new level. The real issue before the Senate is not which formula we should adopt. Yes, there are real differences. The formula of the Republican bill allows much more discretion to State Governors, as to how the money will be spent. Last year we required that the money go directly to police departments, because we know the sorry history of police funding.

From 1971 to 1990, as the country was literally drowning in a tidal wave of crime, and still is, our Governors and mayors and legislatures—indeed the entire political structure—engaged in a policy of unilateral disarmament.

From 1971 to 1990, in the midst of this crime wave, we increased spending on lawyers and public defenders by over 200 percent. We increased prison spending by 156 percent. We increased spending on State and local police by all of 12 percent.

So in last year's bill, we said, we are going to give control over this money, this relative pittance of Federal funding, directly from the Federal Government to the cops who need it. We said, "We are going to require that the money be spent on police."

Now the new majority wants to take all the Federal money, and give it back

to Governors to control. Perhaps, this time, they will in fact spend it all on police, and do so wisely. This will be a real test, and we will all be watching; not just those of us in the Senate, but the American people, suffering the ravages of crime and violence, all over America.

That suffering, its magnitude, the utter disgrace it represents for every man and woman in this Chamber, that is the real issue before us.

It is estimated that crime has increased by more than 600 percent since 1950.

Communities have been ravaged by indiscriminate acts of violence. Such acts have been and are eating away at the core of our cities and towns, and the impact on our schools has been devastating. I do not believe that there has been a rural, urban, or suburban school that has escaped its grasp.

Families have been destroyed, lawlessness has exploded, and many young people have watched first hand as their friends and relatives were killed in front of them. Such killings have left an indelible impact on the lives of these young people—an impression that will stay with each of them forever.

Mr. President, the problems of crime and violence that we talk about today are not new, but have been at least 30 years in the making. During this time we have watched violence emerge as one of the leading public health epidemics in the United States.

As the people of this Nation and the Congress prepare to do battle over whether and how to restructure our national health care system, let us not forget two important facts.

First, the medical costs associated with gun violence in 1992 have been estimated at approximately \$3 billion.

Second, average charges for a young gunshot patient in 1991 equaled the cost of a year of tuition, room and board at a private college—about \$14,000.

Mr. President, crime and violence have reached into every part of our daily lives and that of our children. No American, no matter what age, has escaped its wrath and its impact on education has been so severe that 10 percent or more of the Nation's largest school districts have installed metal detectors this year than last year. As shocking as this has become, even more alarming is why so many schools have been forced to do this.

First, about 11 percent of all crimes occur each year in America's 85,000 public schools.

Second, it is estimated that one in 20 students bring a gun to school at least once a month.

Third, it has been said that more than 200,000 students pack weapons along with their lunches because of fear of violence in, or on the way to school.

Finally, according to the National School Safety Center, nearly 3 million crimes are committed in or near a

school campus every year—about 1 every 6 seconds that a school is in session.

Mr. President, as this Congress talks about the problems of crime and violence, the inescapable reality is that the conditions described above create an educational environment that thwarts the efforts of public school teachers to educate students; it impedes teaching and learning, and underscores one of the main reasons why more and more parents are refusing to send their children to public school.

But before another member of this body stands up to criticize public schools and public school teachers, it is time each of us consider the environment many public school teachers find themselves trying to teach in. In urban America, that environment has been hostile not only to teaching, but to life itself. Students committing indiscriminate acts of violence against another student because of drugs, clothing, or simply because they wanted to. In fact, the arrest rate for juveniles aged 10-17 for weapon law violations increased 117 percent between 1983 and 1992.

It is no longer enough to say that you cannot teach a child who comes to school hungry. The problem today is well beyond the single issue of hunger that previously confronted public school teachers. Today's problems are multifaceted and to a greater degree than ever before, are compounded by crime and violence on the way to, during and after school.

Public school teachers today must now serve not only as teachers, but as counselors and referees, while also fearing for their own safety.

What is before us therefore is the fact that both approaches—both the Democratic bill and the Republican bill, the 1994 crime bill and the 1995 appropriation—both of these efforts are woefully, shamefully inadequate.

We are like doctors who discover, at long last, that our patient has cancer; and we are prescribing aspirin.

Just as to police: the President told us, and he is correct, that we now have one-tenth the effective police strength of 30 years ago. Did he ask us for ten times the police, to return us to the levels of security we once knew? No. He did not suggest 5 million new police. He did not ask us for 1 million. He did not ask us to, and we did, even double the police we now have.

He asked us, we will remember, for funds to add perhaps 30,000 new police. We, in the Senate, last year, Democrats and Republicans, joined to increase the number to a possible 100,000. But we did not by that act begin to solve the problem, or meet the needs of the country.

What do we need? The American people are already paying, out of their own pockets, for about 1.5 million private police—three times the number of police paid for by taxes, on public payrolls. They are not available to work where the real problems are. They are not trained to work the mean streets

where crime and criminal activity breed. They protect only enclaves. Is that to be our strategy, as in the Vietnam of long ago—to protect only the enclaves of the comfortable, and business, and leave the rest of our own fellow citizens alone and unprotected?

In Vietnam, I saw a lot of wonderful men give their lives for this country: not for some abstraction, not for a piece of colored cloth. But for their families, and for their fellows, and for the children that too many of them never lived to see. Are we keeping faith with them? Are we protecting their children and grandchildren today? Are we doing our duty to preserve the country for which they, as so many before them in the history of the Nation, gave the last full measure of devotion?

So let us vote these funds today. But let us understand that this bill is less than a beginning, less than a start. It is my understanding that there will be offered, later this year, a new substantive crime bill. At that time I intend to offer amendments that will substantially increase authorized spending assistance to State and local law enforcement, and to perhaps begin the debate we should have had long before this time.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Let me thank the distinguished Senator.

I now will yield 10 minutes to the distinguished Senator from California.

The PRESIDING OFFICER. The distinguished Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the Senator.

I think what is one man's pork is another person's beef. I remember on the floor of this body, when the crime bill was first considered, the wonderful porker that the Senator from New York had drawn on a chart and had before this body. The contention was that the crime bill, and this particular aspect of it, was a porker.

I want to say, it has turned out to be the beef of the crime bill. There is no question in my mind that the community policing part of the crime bill is the most popular part of the crime bill out there.

"If it isn't broke, don't fix it." The fact of the matter is, in my State, crime rates are going down in all of the jurisdictions because of the community policing aspect of this bill.

So I am very disappointed—there are good things in this bill—but I am very disappointed by the fact that we take the discretionary aspect out of the community policing bill, make it a block grant program, give it to the local jurisdictions, but enable those local jurisdictions to use it for whatever they want to use it. They can use it for new squad cars. They can use it for some aspects, I gather, of police stations. They can use it for desk sergeants, if they want to. That defeats the purpose of the community policing aspect of this bill.

What is that purpose? The purpose is really to show that a police force in a crime-troubled area with trained community police officers who know the communities and know the difference between the bad guys and the good guys are going to be more effective in making good arrests and, secondly, in retarding crime in that area.

To date, the crime bill has targeted about \$8.4 billion directly to States and localities.

This program, as I said, is working. According to the Department of Justice, California has received sufficient funding to support the hiring or redeployment of 3,900 police officers from the crime bill COPS program. This is not pork. This is beef. These funds have gone to the larger and most troubled crime-plagued cities: Los Angeles, San Jose, San Francisco, San Diego, and, most recently, Oakland.

As a matter of fact, beginning in March of next year, the Los Angeles Police Academy will be graduating 100 officers a month for 6 months, funded through the community policing aspects of this bill.

Additionally, community policing funds have gone to smaller California cities—Selma, Victorville, Santa Cruz, Ojai, and Millbrae.

It is no coincidence, then, that the crime rate in California's biggest cities dropped by 7 percent during the first 6 months of this year, compared to the same period last year, with double-digit decreases—double digit, that is more than 10 percent—in homicide, in rape and in robbery.

California's Attorney General, Dan Lungren—a Republican, by the way—credited the intensified use of community-oriented policing by local police departments for this drop in crime. Attorney General Lungren said of community-oriented policing, and I quote:

"It should be utilized in every part of the State."

I could not agree more.

So the COPS Program is working. "If it ain't broke, don't fix it." It is putting cops on the streets. It is reducing crime.

Second, my other concern with this bill is the drug courts. In America, we constantly have the debate: Do you fight drugs on the supply side or do you fight them on the demand side? I know, as a mayor for 9 years, that you have to do both and you have to do it well. America has never fought drugs equally on the supply side and the demand side.

This crime bill was the first time that more moneys were put in for prevention and for rehabilitation to almost equal the amount for interdiction and enforcement. Drug courts were a relatively new aspect.

About \$1 billion dedicated to drug court programs over the next 6 years is eliminated in this conference report. That is a mistake. A study by the California Department of Alcohol and Drug Programs found that for every \$1 spent on treatment for alcohol or drug abuse,

\$7 in savings is accrued. There are now evaluations coming out of drug courts. We are finding—surprise of all kinds—they are working. "An Evaluation of the Oakland Drug Court After Three Years," by Judge Jeffrey Tauber of the Oakland-Piedmont-Emeryville Municipal Court, found the following results, which I quote:

The data collected supports the conclusion that the imposition of an immediate and intensive supervision and treatment program substantially reduces the rate of felony recidivism during a 3-year period following arraignment. It is estimated that there were 44 percent fewer felony arrests—

That is 582 fewer felony arrests—

for offenders in what is called the FIRST Program—fast, intensive, report, supervision and treatment—than under the previous program.

California is expected to receive an estimated \$119 million for drug courts, or enough for about 59,500 offenders over the next 6 years. By eliminating this program, this bill will deprive States of a tough program to get and keep nonviolent offenders off drugs and to unclog our courts of violators who would otherwise walk.

Another problem I have with the bill is the cuts in the Commerce programs. I come from a State where 1.2 million people are out of work. The unemployment rate currently exceeds 7.8 percent. It exceeds the national rate by 2 points. This bill cuts EDA, which is the last remaining economic tool provided by the Federal Government since programs were developed in the 1970's to help cities.

The program that is cut targets the defense conversion support. In my State, to cut defense conversion and its ability is to put people out of work, plain and simple.

The bill also eliminates funding for the Advanced Technology Program which assists firms with new technology to provide new breakthrough products and processes. One of the things that California was assured, having gone through more than 30 base closures, with between 500,000 and 1 million people who have lost their jobs so far because of defense downsizing, is that there would be an adequate program of defense conversion to help industries convert into nondefense pursuits. And now we find that these funds will be cut off by this bill as well. It is unfortunate.

Let me conclude by saying, community police have reduced crime. Community policing works. The crime bill has worked. It is not pork; it is where the beef is.

I thank the Chair. I yield the floor, and I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, before I yield time, I do think that a number of comments that have just been made both by the Senator from Massachusetts and the Senator from California

deserve a quick response, because I do not believe that they accurately characterize the bill.

It was ironic, in fact, that the Senator from Delaware came down here and excoriated us for approximately an hour and a half on the attitude this bill takes, specifically citing one of the programs, which is prison construction, where we have created the possibility of States to obtain approximately \$0.5 billion in prison construction for illegal aliens.

This was not done to benefit my State. My State does not have a whole lot of illegal aliens running around. This was done to benefit the State of California, the State of Texas, the State of Florida, and it was done at the expense, as was pointed out most vividly by the Senator from Delaware, at the expense of some of the smaller States, of which I happen to be a representative.

So I find a certain irony when the Senator from California comes down and attacks this bill on the basis that it is not doing enough. I find equal irony when the Senator from Massachusetts comes to the floor and says we are not spending enough money, when this bill increases the spending in the crime area by 19 percent. To do that, it had to take the money from the State Department and the Commerce Department because we were assigned a certain allocation.

So if the Senator from Massachusetts, or other Senators, wish to attack the nature of this bill and the amount of money being spent on crime prevention in this bill, which happens to be a 19-percent increase—a substantial increase considering the present climate—I believe they should tell us where they want to take more money from—from Commerce or the State Department?

On the issue of the drug courts, the fact is that under the block grant proposal, drug courts are not eliminated. They are an available option for any State that decides to expand and use drug courts. It is very much available under that block grant.

There are other points on which I will probably have to reserve my right to put a written statement in the RECORD.

I now yield 7 minutes to the Senator from Tennessee, Senator THOMPSON.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I thank the Senator from New Hampshire, who makes some very valid points. One of them, essentially, is that it focuses on the crucial issue here, and that is whether or not law enforcement is a State and local function still, as it has always been in this country, or whether or not, basically, it is a matter for the Federal Government to attend to, given the Federal Government's wonderful track record in solving these problems historically.

I think people realize, ultimately, that this money that flows down from

on high to the State and local communities comes from their own pockets. It is not free money. I have often wondered how we got into a situation in this country where folks down where I grew up, in Lawrenceburg, TN, will get in their car and drive by the courthouse, to Nashville, past the State capital, and go out to the airport to get on a plane to fly to Washington, DC, and talk to me about how many cops they ought to have in Lawrenceburg. That is the situation we have gotten to in this country.

While I do not think the conference report is the ultimate solution to this, I think more and more money ought to be left in the pockets of the people on the local level and let them solve the problems. It is certainly better than any alternative we have.

The conference reports reflects what those of us who are new to this body were elected to do. Its provisions reflect the reality that there is not always a Washington-based solution to every problem. The Constitution limits the power of the Federal Government. Crimes, traditionally, in this country are not a national problem, with exceptions, but it is primarily a State and local problem. By eliminating the COPS Program, the conference report respects the proper role of the States and the people under our constitutional system.

The COPS Program shows insufficient respect for our system of federalism. With the COPS Program, citizens of States and localities are taxed by the Federal Government. The tax money is returned to the States, minus the cost of a Federal bureaucracy, and with the addition of many strings on their own money.

The formula for allocating the money is peculiar. COPS funds go to communities without regard to their crime rate. The COPS office knowingly gave \$75,000 to one town for the police chief to leave the office for the street, supposedly. He wound up reading stories to second graders. How does that serve any Federal purpose? Two officers were sent to a low-crime Chicago suburb, whereas a poor Chicago suburb, whose crime rate tripled, received only one simply because it had fewer officers than the wealthier suburb.

The strings on localities make even less sense, Mr. President. The money can be spent only on putting police on the street. Rural areas may not find community policing appropriate to their sparse population, but with the COPS Program, that is the only option. It is said on the floor of this Chamber that, my goodness, they might spend it on police cars, equipment, or do something else with the money.

My question to that is: What is the problem? Have we in this body achieved such expertise on the details of law enforcement in the small communities across the Nation that we are in a position of supplanting our judgment for the people whose responsibility it is?

The President complains that police are outgunned by criminals, but under the COPS Program, localities are prohibited from spending grants on guns and ammunition, equipment, technology, training, or other purposes that actually correspond to the needs of the citizens where the police will actually serve. The District of Columbia, with an enormous crime problem, refused to apply for a COPS grant because the police chief says that the District has all the police it needs. What it lacks is appropriate technology and equipment. If the Federal Government does not even know what is best for Washington, DC, how can it know what is best for communities around the rest of the country?

Of course, the monetary rules are the COPS Program's worst infringement on State's rights. COPS funds officers at \$25,000, but the Justice Department's own figures show that the average police officer costs \$50,000. When a locality receives a COPS grant, it is also receiving a Federal order to spend another \$25,000 that the community might wish to spend on other law enforcement functions, or even other desirable local functions, or even tax relief.

Sunnyvale, CA, which the Clinton administration hailed in its Reinventing Government campaign, returned its COPS grant because it was required to spend an enormous amount of its own money and to comply with numerous Federal strings as a condition of Federal funding.

Moreover, the COPS Program is political. Applicants are required to indicate the locality's congressional district. The COPS office is duplicative. The Justice Department's Bureau of Justice Assistance career civil servants already dispensed law enforcement grants to State and localities. By contrast, COPS funds are allocated by political appointees in a separate office. That office has a budget of \$28 million, much more than the \$16.3 million of COPS grants that Tennessee has received, for example.

By contrast, the conference report replaces the COPS Program with block grants. Local officials will best determine how to meet local needs, without the interference, or even the existence of a Federal bureaucracy. It would have been better if the conference report had gone further, in my opinion—eliminating block grants and simply letting localities make their own law enforcement decisions, and leaving the money there for them to do it with. Then, municipalities would be responsible for decisions made, and we would have a little bit more accountability in our governing process. When multiple layers of Government are involved with street crime, each level can pass the buck to another, and the citizenry will not know who to hold accountable.

The differences between Congress and President Clinton are clear. President Clinton may well veto the conference report over the COPS Program. He may

feel he wants to take a stand on something. If he wants to take a stand for a Federal, bureaucratic, inefficient, and inflexible program, so be it. The conference report's approach is local, flexible, and efficient. In fact, it is so efficient, Tennessee will not only receive more than twice as much money under this approach than under the COPS Program, but it will not have to comply with the whims that come from out-of-touch bureaucrats. I am sure many other States will find themselves in the same position. Therefore, I rise in support of the conference report.

I yield back any time I may have remaining.

Mr. GREGG. Mr. President, I yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, I rise in support of the conference agreement accompanying H.R. 2076, the Commerce-Justice-State appropriations bill for fiscal year 1996.

The conference agreement provides \$27.3 billion in budget authority and \$19.1 billion in new outlays for the programs of the Departments of Commerce, Justice, State, the judiciary, and related agencies.

When adjustments are made for prior-year outlays and other completed actions, the bill as adjusted totals \$27.3 billion in budget authority and \$26.6 billion in outlays.

Under very difficult funding constraints, this is a bill that honestly and straightforwardly sets forth funding priorities while staying within the subcommittee's revised 602(b) allocation. The final bill is less than \$1 million in budget authority and \$2.4 million in outlays below the revised 602(b) allocation.

I commend the new chairman of the subcommittee, Senator GREGG, for the fine job he did in conference on this bill. This bill provides dramatic increases in our front-line law enforcement and the Border Patrol as well as increased flexibility for States in developing their crime fighting strategy through the new State and local law enforcement assistance block grant. A total of \$1.9 billion will be provided to States and local governments for the hiring and equipping of law enforcement personnel, updated technology, and crime prevention programs.

There are a few items for which I would like to express particular appreciation to the distinguished chairman and ranking member of the subcommittee. One is the \$4 million provided for the Women's Outreach Program under the Small Business Administration, another is the flexibility for States to fund drug court programs under the law enforcement block grant, and lastly, the agreement to preserve the Legal Services Corporation.

With regard to the Legal Services Corporation, I must say that I am not pleased with the final funding agreement of \$278 million. I realize the House was concerned about passing the

conference report and felt it necessary to remain at the House funding level.

However, it is highly likely that the President will veto this bill. When we revisit this issue, I and a number of my colleagues will insist on a higher funding level.

This bill retains the Legal Services Corporation but significantly restructures its activities. I believe the Corporation should withstand scrutiny from even its harshest critics. Tough new restrictions on the uses of LSC and non-LSC funds are in place and enforceable through the independent office of the inspector general, rather than through the Corporation itself.

The funds will be targeted toward basic legal services for low income individuals ensuring equal access to justice. Within 6 months, the Corporation will be out of the more controversial business activities that have brought so much criticism in the past.

Finally, I note that the conferees have continued bipartisan support for the Fulbright Exchange Program recommending \$102.5 million to continue the program in fiscal year 1996.

Since the Fulbright Program was signed into law in 1946, nearly 230,000 Fulbright grants have been awarded to U.S. citizens and to nationals of 150 other countries. These scholars go abroad to study, teach, or conduct research and foreign nationals come to the United States for the same purpose.

For every \$100 the U.S. Government spends on Fulbright exchanges, the Fulbright Program attracts \$44 from foreign governments and from in-kind support and private contributions both here and abroad attesting to its international stature.

Non-U.S. Government support for the Fulbright Program increased by 20 percent from 1993 to 1994 alone, a strong indication of the program's prestige throughout the world.

I am pleased that the Congress will support the Fulbright Program in its 50th anniversary year.

I urge my colleagues to support the conference agreement.

Mr. President, I ask unanimous consent that a table showing the Budget Committee scoring of the conference report accompanying the Commerce, Justice, State, and the judiciary appropriations bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMERCE-JUSTICE SUBCOMMITTEE, SPENDING  
TOTALS—CONFERENCE REPORT  
(Fiscal year 1996, in millions of dollars)

	Budget authority	Outlays
Defense discretionary:		
Outlays from prior-year BA and other actions completed .....	151	125
H.R. 2076, conference report .....		
Scorekeeping adjustment .....		
Subtotal defense discretionary .....	151	217
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed .....	22,659	17,177
H.R. 2076, conference report .....		
Scorekeeping adjustment .....		

COMMERCE-JUSTICE SUBCOMMITTEE, SPENDING  
TOTALS—CONFERENCE REPORT—Continued

(Fiscal year 1996, in millions of dollars)

	Budget authority	Outlays
Subtotal nondefense discretionary .....	22,659	23,738
Violent crime reduction trust fund:		
Outlays from prior-year BA and other actions completed .....		826
H.R. 2076, conference report .....	3,956	1,286
Scorekeeping adjustment .....		
Subtotal violent crime reduction trust fund .....	3,956	2,112
Mandatory:		
Outlays from prior-year BA and other actions completed .....	2	20
H.R. 2076, conference report .....	503	480
Adjustment to conform mandatory programs with budget resolution assumptions .....	27	25
Subtotal mandatory .....	532	525
Senate subcommittee 602(b) allocation:		
Defense discretionary .....	151	218
Nondefense discretionary .....	22,659	23,739
Violent crime reduction trust fund .....	3,956	2,113
Mandatory .....	532	525
Total allocation .....	27,298	26,595
Adjusted bill total compared to Senate subcommittee 602(b) allocation:		
Defense discretionary .....		-1
Nondefense discretionary .....	-0	-1
Violent crime reduction trust fund .....	-0	-1
Mandatory .....		
Total allocation .....	-27,298	-26,595

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. DOMENICI. Mr. President, let me suggest that in times when we do not have all the money in the world, the appropriation process, in my humble opinion, has a very, very specific job to do and that is to prioritize where the money will be spent. If there is not enough money for what everybody wants in a bill, then it is the responsibility of those who lead the committee to look at the spectrum of things they are supposed to be considering and say, "Which are most important?"

Frankly, under our new chairman, Senator JUDD GREGG, ably assisted by the ranking member, Senator HOLLINGS, who has chaired this subcommittee before, they have done just that, as it pertains to the No. 1 issue in the United States of America: crime.

If you ask the American people what they would want us to spend their taxes on in this bill, they would say pay for crime prevention, and U.S. attorneys who are prosecuting, and for prisons that are holding prisoners, and for U.S. marshals who make sure they are taken into custody, and pay for FBI and DEA, and, lo and behold, add to that the entire Department of Justice criminal apparatus. Funding for these kinds of programs went up 19.2 percent.

Frankly, I come to the floor to congratulate the chairman and ranking member for that. They have added one other area that definitely needs improvement, because if you ask Americans what else they are very worried about, they will say, "Illegal immigration." They will say "our borders are

not our borders any more. They are sieves," and they will say, "What can you do to improve it?"

In this bill, in a dramatic way, we have increased the Immigration and Naturalization Service, the INS. The American people would vote "aye" for that. They would say yes.

Frankly, there are a lot of other things in this bill that are secondary. If we had all the money in the world we ought to fund them. I want to lodge a complaint and a concern because we did not have enough money, but if we ever get back to the table and are producing another bill, I am a strong advocate of giving legal services to poor people who need a lawyer. I am not an advocate of Legal Services taking on all kinds of causes. I want them to pay for individual poor Americans who are being sued or have a lawsuit, so they have access to a lawyer.

I believe Democrats and Republicans alike ought to be for that. This bill contains prohibitions against the Legal Services Corporation that they can live with and still provide services for the poor. It does not have enough money but there is not enough to continue providing the most critical services.

This bill may not see the light of day. It may be vetoed. Who knows what the budget negotiations might bring? I came to the floor to say I believe we are about \$60 million below the Senate-passed level for Legal Services, and I hope at some point we can make that up.

I close these remarks once again by saying if ever there was a subcommittee that saw what America truly needs from its Federal Government, and where our people would like their taxes spent, this subcommittee did it, because they have increased every legitimate bona fide area of crime prevention that the U.S. Government is in by a significant amount. I laud them for it. I hope we can eventually get this new money into these programs and these activities.

I yield the floor.

Mr. GREGG. First, I wish to thank the Senator from New Mexico for his generous comments. I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Arizona.

Mr. MCCAIN. I congratulate the authors for an excellent piece of legislation. I come to the floor quite often complaining about wasteful spending earmarks and other pork barrel projects and find this legislation largely devoid of that. I want to express my appreciation to both the Senator from South Carolina and the Senator from New Hampshire. I hope we can continue that practice and indeed expand it. I have seen it in 2 of the 13 appropriations bills, and I hope that we will be able to continue to make progress in that area.

Mr. President, the reason why I came to the floor, and I will not use my full time, is that every time I come to the floor to talk about our relationship

with Vietnam I hope it is my last. Unfortunately, I have been given one more opportunity.

The bill before us conditions funds in an unacceptable manner for expanding diplomatic relations with Vietnam on our efforts to gain the fullest possible accounting of American servicemen. The President has made clear in his statement of policy on this bill that he will veto it. Among the reasons he listed for doing so is his objection to this particular provision.

This being the case, I will not take a long time to discuss the issue. But I do want to point out one simple fact: The President of the United States has normalized diplomatic relations with Vietnam. That is a fact. The Senate has managed to at least grasp this reality. Just over 2 months ago it supported the President's decision by voting against an amendment prohibiting normal economic relations with Vietnam. As for the other body, the language which has made Vietnam an issue in this bill at all was approved without a recorded vote.

Mr. President, to state the obvious, the President must have the authority to conduct our foreign relations. Whether I agree or disagree with the President of the United States—in this case I happen to agree—I know that elections have consequences. For better or for worse, President Clinton was elected to conduct our Nation's foreign policy.

He is the President of the United States and he has decided it is time to move forward in our relationship with Vietnam. Again, this is a fact.

He will veto this bill, as is also within his constitutional authority, and we will begin again. I hope the next time the conference committee considers the issue of United States-Vietnam relations it will dispose of it in a manner that allows us to put the issue behind us.

I yield the floor.

Mr. SMITH. Mr. President, I rise to strongly support the compromise language that was worked out by the House and Senate conferees with respect to an expansion of our diplomatic presence in Communist Vietnam. I also take vigorous exception to the remarks made by the Senator from Arizona, Senator MCCAIN, in opposition to the work done by the conferees. I would say to my friend from Arizona that this language is so reasonable, that there is no way the House is going to back down on it, and I intend to use every means at my disposal to prevent any weakening of the approved language. Moreover, while I respect the Senator from Arizona's right to raise his objections, I must say that I am extremely disappointed that he would make such a statement with respect to this specific provision on Vietnam worked out by the conferees.

I would note that, in addition to a majority of the House-Senate conferees, this provision is supported by the majority leader, the chairman of

the Foreign Relations Committee, the chairman of the Armed Services Committee, the chairman of the Asian/Pacific Subcommittee, the chairman of the International Operations Subcommittee, as well as the House chairman of the International Relations Committee and the National Security Subcommittee on Military Personnel. Moreover, four of our major national veterans organizations—the American Legion, the Disabled American Veterans, AMVETS, and Vietnam Veterans of America—support this language, in addition to the National League of POW/MIA Families and the National Alliance of POW/MIA Families. In short, there is broad support for this provision, notwithstanding the remarks by the Senator from Arizona.

The fact is, Mr. President, that all Congress has asked for from the President in this provision is his assurance that Vietnam is fully cooperating on the President's own established criteria for measuring progress by Vietnam on the POW/MIA issue. Let me repeat, so there can be no misunderstanding: all the Senate and House conferees have asked for is the President's assurance that Vietnam is fully cooperating on the President's own established criteria for measuring progress by Vietnam on the POW/MIA issue. If Vietnam is not fully cooperating, then I would think most of my colleagues would agree that perhaps we need to take a closer look at the administration's policy toward Hanoi and whether it is working. If the President says Hanoi is fully cooperating, then it is full steam ahead with Vietnam relations.

I am both confused and amazed that the Senator from Arizona does not like the term fully cooperating. All year long we have heard rhetoric praising Vietnam's cooperation on the POW/MIA issue from the administration and certain Members of the Senate using every adjective in the book—words like "superb," "splendid," "unprecedented," "undiminished," "great," "outstanding"—that is what we've been told, Mr. President. But now, when we ask the administration to put their assurances in writing, with words that have real meaning, some people up here get nervous and we see the kind of statement we heard earlier. Ironically, I think the remarks made earlier may cause the American people to wonder whether they have been deliberately misled by the President in order to allow the normalization of full taxpayer-funded relations with Communist Vietnam. I find it very troubling that my friend is raising a red flag on such a reasonable provision.

Mr. President, should the Senator from Arizona or any other Senator want an extended debate on this issue, I would put them on notice right now that they will get such a debate from this Senator if they try to weaken this language in the coming days.

The reason many of the wounds from the Vietnam war have yet to heal has



to do with things like honesty, commitment, and priorities. That is what this debate will be about, because that is what the House and Senate conferees are seeking from the administration with the certification on POW/MIA cooperation in this bill.

Mr. President, I ask unanimous consent that a copy of the referenced provision on Vietnam be printed in the RECORD immediately following my remarks in order that my colleagues may see how reasonable a provision it really is. I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BILL LANGUAGE AGREED TO ON NOV. 27, 1995,  
BY THE HOUSE-SENATE CONFERENCE ON H.R.  
2076, THE COMMERCE/JUSTICE/STATE AND THE  
JUDICIARY APPROPRIATIONS BILL FOR FISCAL  
YEAR 1996:

SEC. 609. LIMITATION ON THE USE OF FUNDS  
FOR DIPLOMATIC FACILITIES IN VIETNAM.—  
None of the funds appropriated or otherwise  
made available by this Act may be obligated  
or expended to pay for any cost incurred for:

(1) opening or operating any United States  
diplomatic or consular post in the Socialist  
Republic of Vietnam that was not operating  
on July 11, 1995;

(2) expanding any United States diplomatic  
or consular post in the Socialist Republic of  
Vietnam that was operating on July 11, 1995;  
or

(3) increasing the total number of per-  
sonnel assigned to United States diplomatic  
or consular posts in the Socialist Republic of  
Vietnam above the levels existing on July 11,  
1995,

unless the President certifies within 60 days,  
based upon all information available to the  
U.S. Government, that the Government of  
the Socialist Republic of Vietnam is *fully co-  
operating* with the United States in the fol-  
lowing four areas:

(1) resolving discrepancy cases, live-  
sightings, and field activities,

(2) recovering and repatriating American  
remains,

(3) accelerating efforts to provide docu-  
ments that will help lead to the fullest pos-  
sible accounting of POW/MIA's,

(4) providing further assistance in imple-  
menting trilateral investigations with Laos.

Mr. HOLLINGS. Mr. President, momentarily the Senator from Delaware, who I understand has substantial time left, will come to the floor.

Let me agree with my distinguished chairman relative to the Immigration and Naturalization Service whereby we cut not only New Hampshire, we cut the State of South Carolina and other small States to the tune of \$500 million—half a billion bucks out of the prison fund, out of prison construction, so that we could set up this imprisonment of immigration violators in the States of California, Texas, Florida, and otherwise.

So there should not be any criticism on that score. There should be thanks to the Senator from New Hampshire and the committee that has done its work in that particular regard.

Otherwise, Mr. President, let me emphasize one more time the advance technology program while I have a few minutes. We started that in our Commerce Committee after a series of over

2 years of hearings, and we were trying our dead-level best to get America back on top of its own technology in the context of yes, we were leading in the research but never in the development.

Specifically, down in Houston on the superconductor we had Nobel Prize winners there, but the competitor, Japan, orchestrated some 22 entities and markets and wins and profits. We win the prizes. They win the profits. We wanted to get on top of that particular problem and with the advance technology program whereby they pick the winner—not the Government—and it is picked by them coming with at least 50 percent of the funds and thereafter reviewed, peer reviewed by the National Academy of Engineering, that the award is made.

It has worked very successfully. The industry, particularly the electronics industry, the computer industry and otherwise, came to us and the Council on Competitiveness under President Bush, John Young of Hewlett-Packard testified on behalf of this program.

I dovetailed the program, having chaired the hearings otherwise on the trade bill back in 1988. It was not in the budget. Thereafter, President Bush did pick up and submit a request for it.

Now, over on the House side they have the bit in the teeth relative to winners and losers, industrial policy, all kinds of nonsensical pollster slogans—are you for the Washington Government picking winners and losers? You hear some of that, and of course carried to its logical conclusion about the best government is the least government, and we do not have to wait for Washington. Just do away with the county and State government and let the township operate and forget about Washington, too.

These are good arguments on the campaign trail but the fact of the matter is we have an ongoing program that should never be abolished, to maintain the development, not just the research, but the development of our technology.

At the end of World War II we had 50 percent of the work force in America in manufacturing; 10 years ago it was down to 26 percent; today, it is 13 percent.

I used to go to the factories in New Hampshire campaigning.

There are very few factories left in New Hampshire. I can find up on the highway, 128, I think it is, going up from Nashua to Boston, Wang and some of the others, Wheeler, Beta, Frye—oh, I had a good time.

I mentioned earlier, the Governor of North Carolina, there, after Secretary of Commerce Hodges, he had been the national president of the Rotary, and his widow, now a resident of your home State, made sure I was introduced to all Rotary Clubs up there. It was a tremendous pleasure. Otherwise, when referred to on the Hoover Commission by our distinguished full chairman, Senator HATFIELD of Oregon—yes, we

served on that Hoover Commission back in 1953 and 1954, investigating the intelligence activities.

I have, again, the same reverence he has for former President Herbert Hoover. He is the one who, incidentally, started the telecommunications bill that we are trying to conference. It had a very interesting beginning, that particular program, you might say, in law. It was back in 1912, at the sinking of the *Titanic*, whereby David Sarnoff, working in the store Wannamakers, in Philadelphia, selling wireless sets, went up on the roof and contacted survivors and nearby ships in the rescue and orchestrated the rescue effort. He stayed up there 3 days and nights. The crowds gathered below.

But, thereafter, then everybody wanted a wireless, and, by 1924, under Secretary Hoover, the industry asked to be regulated. They had jammed the airwaves and you could not reach anyone. They said, "For Heaven's sakes, we need the National Government to come and regulate us."

So, those who are now running around, deregulate, deregulate—we want to. We want to catch up the law with the technology, which is far ahead of us here in the Congress. But, in so doing, we want to make certain it is done on a competitive basis rather than a noncompetitive basis. We do not want to extend the monopoly.

So, that being the case, I retain the remainder of my time.

Mr. SARBANES. Mr. President, I rise today in strong opposition to the conference report on the Commerce, Justice, and the State Department appropriations bill for fiscal 1996.

While this agreement is an improvement in some respects over the bill that passed the Senate earlier this fall—most notably in the funding for the Economic Development Administration—it still fails to provide adequately for many programs which are absolutely essential to promoting economic and business development, investing in research and development and protecting American consumers.

I want to underscore some of the most egregious provisions in this conference agreement.

First, this bill proposes to eliminate the President's Community Policing Program, one of the most successful and popular anticrime initiatives ever enacted. Communities throughout the Nation have already benefited enormously from the Federal resources made available under this program. There are today over 25,000 new police officers on the street battling violence and drug-related crime. In my own State of Maryland, 365 new officers are on the beat in urban and rural communities creating a new sense of security and adding to the quality of life for all of our residents. The conference agreement's proposal to replace this program with a block grant program would defeat the entire premise of community policing by shifting money

away from providing new police officers to communities in need. Lumping COPS grants in with other law enforcement and prevention programs would instead allow States to use the money for numerous other intentions ranging from prosecutors to housing code inspectors.

Second, the conference agreement has proposed to significantly reduce funding in important programs and laboratory upgrades for the National Institute of Standards and Technology. I would zero out the Advanced Technology Program which assists businesses large and small in developing high-risk/high-impact technologies for the 21st century. The ATP is fast becoming a key mechanism accelerating the pace of commercial technology development. In its first 5 years of operation, ATP has already shown tremendous potential for enhancing economic growth—especially during this time of intensifying investor pressure to cut costs and spend limited research funds. Even though ATP is relatively new, it is already helping researchers in 38 States. The conference agreement would eliminate not only future grant initiatives, but also suspend funds for projects already in progress. This program has truly been a success and must be continued.

I am also particularly concerned about the rescission of \$75 million in prior year unobligated balances and reduction of \$10 million in the fiscal 1996 request for the modernization of NIST's 35-year-old laboratory facilities in Gaithersburg and Boulder, CO. Without these funds, NIST will be unable to proceed with its construction of the much needed Advanced Technology laboratory, the centerpiece of NIST's upgrade and construction program. As the only Federal laboratory whose explicit mission is developing scientific standards and providing technical support for U.S. industry's competitiveness objectives, NIST must have modern infrastructure—the laboratories, equipment, instrumentation, and support—in order to maintain a viable scientific research program and to keep our Nation on the cutting edge of science and technology as we move into the 21st century.

Third, Mr. President, I am deeply concerned about the funding level for the Legal Services Corporation in this conference agreement. The agreement would provide significantly less funding than provided in the Senate bill, which would have reduced substantially the funding for legal services from the fiscal year 1995 level of \$400 million.

For more than two decades, the Legal Services Corporation has been at the forefront of our efforts to give real meaning to the words emblazoned in stone above the portals of the Supreme Court: "Equal Justice Under Law." The Legal Services program has provided critically needed services to millions of poor, elderly, and disabled citizens who otherwise would not have ac-

cess to the American legal system and the protection it affords the many basic rights we enjoy in this country.

Maryland's Legal Aid Bureau, which receives by far the largest portion of its total funding from the Legal Services Corporation, has done an outstanding job of representing Maryland citizens living in poverty. With the funding received from LSC, the 13 legal aid offices located throughout Maryland provide general legal services to approximately 19,000 families and individuals annually, assisting Marylanders in such routine legal matters as consumer problems, housing issues, domestic and family cases, and applying for and appealing the denial of public benefits.

I am very concerned that the significant reduction in funding in this conference report for legal services would seriously impair the ability of legal services organizations like Maryland Legal Aid to provide these vital services.

Fourth, the conference report cuts \$43 million from the administration's fiscal 1996 budget request, funding that is absolutely essential for the Bureau to gear up for the 2000 census. These cuts would seriously endanger the Census Bureau's ability to collect and process periodic economic data. This data is essential for businesses and policy makers to understand what is happening in the economy. A recent editorial in the Washington Post underscores the importance of this funding for the Census and I ask unanimous consent that it be printed in the RECORD immediately following my statement.

For these and other reasons I urge my colleagues to join me in rejecting this legislation.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 7, 1995]

#### COUNTING THE COST OF COUNTING

Measured by the product created for the money spent, the U.S. Census Bureau is one of the most valuable agencies of government. Data from the Census Bureau are vital to business, to academia, to transportation planners, to those who assess future housing demand and to many others. Census numbers are also among the country's most important political numbers, determining how legislative seats are allocated and where billions in federal dollars will go.

The Census Bureau, like every other agency, is caught up in the battle for a balanced budget. The bureau is unusual among federal agencies because its costs do not go up along a straight line; they peak toward the end of one decade and the very beginning of the next, because of the bureau's central mission: to conduct a national head count every 10 years. The misfortune for the Census Bureau is that the cuts needed to achieve a balanced budget between now and 2002 fall right in the middle of its biggest spending years.

The Census Bureau itself agrees with its various critics that its needs to figure out how to produce better data for less money. If the census in the year 2000 were conducted exactly as the 1990 census was, the estimates are that its cost would grow from \$2.6 billion to \$4.8 billion. The bureau wants to come in

at well under that. But to do so, it may have to rely on various sampling techniques that many Republicans are leery of. Some of the biggest costs the census faces are in going back and finding those who do not reply to the census form. Sampling would cut those costs. So a key question is whether Congress is willing to accept sampling methods in the interest of saving money. If the savings came instead from less intensive efforts to find those who do not answer the census initial query—many of them are poorer than average, members of minority groups, immigrants and city dwellers—the biases that already creep into the data would deepen.

Many in Congress suggest that costs could be cut and response rates improved if the census shortened the questionnaire of its "long form," which goes to about one American in six. A shorter long form would save some money, but at the cost of data lost to government, business and researchers of all kinds. If ever there was a place for one of those cost-benefit analyses the new Congress seems so fond of, this is it.

For the next fiscal year, the Clinton administration had asked for \$193.5 million for the census, and the Senate went right along. But the House appropriated only \$135 million. The conference committee has settled on \$150.3 million. For the short term, it's not clear to us that the census is the best place to look for that much in savings, especially since the bureau is now spending on technological improvements and research designed to save money when the big bucks start getting spent around the year 2000. The test should be whether small cuts now would risk larger cost increases later. Even more important is for Congress to face up to the underlying policy issues, since the goal of a cheaper census could be at odds with some of Congress's other objectives.

Mr. HOLLINGS. Mr. President, the Senate had proposed a 20-percent cut in the budget of the International Trade Commission. The conference report restored most of the International Trade Commission's budget. Various trade reorganization proposals have been advanced. Any attempt at trade reorganization must also encompass the reorganization of the International Trade Commission. It is my firm belief that the Commission flaunts the will of the Congress with regard to enforcement of our trade laws. Furthermore, the Commission is rife with internal conflict. At this time I ask for unanimous consent that memorandums written by the Chairman and various Commissioners be printed in the RECORD. Mr. President, these memos speak for themselves, and they speak volumes for the need to reform the ITC.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, DC, June 30, 1995.

#### MEMORANDUM

To: The Commission.

From: Chairman Peter S. Watson.

Subject: Attempted override of direction to issue press release re study in Inv. No. 332-TA-344.

Earlier today I learned from the Director, Office of Public Affairs, of a purported decision by four Commissioners to override my direction to her to issue a press release in the form that I had approved.

Section 1331, of course, provides that any of my administrative decisions "shall be subject to disapproval by a majority vote of all the commissioners in office." But that section does require a vote. As our own General

Counsel has advised: "While the statute clearly provides that the Commissioners shall have the right to vote on the question of disapproval, it is silent with respect to voting procedure. We know of only two ways in which the Commission and other collegial bodies vote on matters—by notational voting (e.g. action jacket) and by vote in the course of a meeting. The Commission utilized both forms of decisionmaking at the time Congress was considering the amendments to section 331, and we presume that Congress intended that disapproval votes could occur in either manner."

The reason for such voting is to allow all Commissioners a say in any business before the Commission—in other words, it enforces some minimal deliberation by the entire body, whether in writing or orally.

This advice was confirmed to me late today by the Inspector General. I continue, therefore, to direct the issuance of the press release as originally drafted.

Per Administrative Order 94-26, "any Commissioner may request that an item, other than an outstanding action jacket, be placed on the agenda for a public meeting of the Commission." If any of my colleagues wish to do so, they may.

WASHINGTON, DC, June 30, 1995.

#### MEMORANDUM

To: Peg O'Laughlin.  
From: Peter S. Watson.  
Subject: Press Release for Inv. 332-TA-344.

I direct you to issue the attached press release immediately. The authority of me to direct the release of the same, over the objections of certain Commissioners; is contained in CO70-S-066, a copy of which I attach. As there has been no legally recognized override of my direction to you, the press release is to be issued without any delay.

Using the same authority, I direct you, or any subordinate of yours, not to release any other press release concerning this investigation unless authorized by me in advance, in writing.

Attachment.

#### ITC RELEASES STUDY ON THE ECONOMIC EFFECTS OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS AND SUSPENSION AGREEMENTS

The United States International Trade Commission (ITC) today released the results of its investigation Economic Effects of Antidumping and Countervailing Duty Orders and Suspension Agreements (Investigation No. 332-344). The report, which also reports on the economic effects of the dumping and subsidy practices that such orders and agreements address, was forwarded to U.S. Trade Representative Mickey Kantor, who requested study.

The investigation was originally requested by former USTR Carla Hills in January 1993. Ambassador Kantor resubmitted the request in June 1993 with a broadened investigative scope. The ITC instituted the investigation in July 1993. Two days of public hearings were held in September 1994 as part of the ITC's full investigative process.

The ITC report Economic Effects of Antidumping and Countervailing Duty Orders and Suspension Agreements (Investigation No. 332-344, USITC Publication No. xxxx, June 1995) can be ordered without charge by calling 202-205-1809 or by writing to the Office of the Secretary, Publications Branch, 500 E Street SW, Washington, DC 20436 (FAX: 202-205-2104).

The report will also be available on the ITC's Internet server at <http://www.usitc.gov> or <ftp://ftp.usitc.gov>.

WASHINGTON, DC, July 12, 1995.  
MEMORANDUM

To: Director, Office of Public Affairs.  
From: Vice Chairman Nuzum, Janet Nuzum, Commissioner Rohr, Commissioner Newquist, and, Commissioner Bragg.  
Subject: Press Release in Inv. No. 332-344.

We are very concerned about the events of Friday, June 30, surrounding the issuance of a press release that had been disapproved by a majority of the Commission. You work for the entire Commission, and may not carry the instructions of a single Commissioner, including the Chairman, if those instructions conflict with the direction of a majority of Commissioners.

In the future, we expect that you will take actions consistent with the views of the Commission majority. If you encounter what you believe are unfair tactics or intimidation by a single Commissioner attempting to thwart the will of the majority, please advise the remaining Commissioners promptly and take no action until so authorized by a majority of Commissioners. We will not tolerate such behavior by our colleagues and have advised them that we will take appropriate action if it occurs. In the case of a career employee threatened with termination or other adverse personnel action for refusing to follow instructions that violate the will of a majority of the Commission, we note that the Chairman does not have the authority to terminate a supervisory employee at or above grade GS-15 without the express approval of a majority of the Commission. 19 U.S.C. 1331(a)(2)(A). In the case of other adverse personnel action, the Commission majority can and would take action to override any such adverse action under these circumstances.

Press releases concerning Commission determinations or reports require the approval of the Commission. Contrary to the Chairman's characterization in his memorandum CO70-S-066 (June 30, 1995), the issuance of such press releases is not an administrative decision subject to override by a majority of the Commission within the scope of 19 U.S.C. 1331(a)(1). Rather, as described in the attached memorandum from the General Counsel, the issuance of a press release regarding a Commission response to an Executive Branch request is a substantive matter involving external relations, and as such requires majority approval by the Commission. This is precisely the reason that such press releases are routinely circulated by the Office of Public Affairs to all Commissioners' offices—for approval by the Commission, not approval by the Chairman. The Commission did not approve the press release that you issued on June 30; in fact, a majority of Commissioners disapproved it, and instead indicated its approval of a revised press release, thus, issuance of that press release was improper.

WASHINGTON, DC, July 12, 1995.  
MEMORANDUM

To: Chairman Watson.  
From: Vice Chairman Nuzum, Commissioner Rohr, Commissioner Newquist, Commissioner Bragg.  
Subject: Press Release in Inv. No. 332-344.

We strongly object to your action of Friday, June 30, in directing the issuance of a press release that had been disapproved by a majority of the Commission. We are disturbed by your heavy-handed tactics regarding issuance of a Commission press release, which before your actions of that Friday had been an uncomplicated collegial process. We also disagree with both the premise and substance of your memorandum CO70-S-066 (June 30, 1995).

The premise of your memorandum is incorrect: the issuance of a press release con-

cerning a Commission study is not an administrative decision within the Chairman's authority under 19 U.S.C. 1331(a)(1), but rather a substantive matter involving external relations, for which Commission approval is required. In this case, a majority of Commissioners disapproved the press release in favor of a revised press release. Thus, when you directed the issuance of a press release that had been disapproved by a majority of the Commission, you acted outside of your authority.

Although this was not a case of an attempted override, you are incorrect in suggesting that a vote to override an administrative action by the Chairman can only be accomplished by means of an action jacket or by vote in the course of a public meeting. The courts have upheld various means of notational voting, including the separate expression of views to an office compiling the views. In this case, four Commissioners expressed their disapproval of the press release and their concurrence in a revised text, both to the Director of Public Affairs and to your office, orally and by means of electronic mail. This would have been sufficient for an override, had this been an override situation.

Your action further contravenes 19 U.S.C. 1331(a)(3) which states: "No member of the Commission, in making public statements with respect to any policy matter for which the Commission has responsibility, shall represent himself as speaking for the Commission, or his views as being the views of the Commission, with respect to such matter except to the extent that the Commission has adopted the policy being expressed."

You directed the issuance of a press release to the public with the knowledge that it did not represent the policy of the Commission. In fact, there was a majority consensus on what the policy of the Commission would be regarding this study and the public's access to its contents, but you did not agree with it. Instead, you made your own determination on what that policy should be, and you represented to the public that policy as being the Commission's position, knowing that it was not. Thus, in our view, you improperly represented yourself as speaking for the Commission by ordering the issuance of this release as a Commission document.

Your actions in this matter are rendered even more egregious by the "management by intimidation" tactics that you employed. It is highly inappropriate for the Chairman to threaten career government employees with adverse personnel action if they fail to follow his personal instructions that violate the clearly-expressed position of a majority of the Commission. We are very concerned about your use of such tactics, which place the entire Commission at risk for employee grievances, sexual harassment lawsuits, and resulting potential liability. To the extent that we are required to do so by law, we hereby serve notice that we do not condone such behavior and will not hesitate to take appropriate action should it occur in the future.

WASHINGTON, DC, July 13, 1995.  
MEMORANDUM

To: Vice Chairman Nuzum, Commissioner Rohr, Commissioner Newquist, Commissioner Bragg.  
From: Peter S. Watson.  
Subject: CO69,64,67 & 71-S-001 dated July 12, 1995, Press Release in Inv. No. 332-344.

Thank you for the above-referenced joint Memorandum and the Memorandum GC-S-295 attached thereto, both dated July 12, 1995.

The submissions are interesting insofar as they reflect creative interpretation and writing. Yet, as entertaining as your submissions might be, I do not find them compelling.

Instead, I find the interpretation of Commission voting procedure the GC set forth in GC-L-047, and in which the IG orally concurred, to be compelling. Accordingly, I continue to be directed by it, and I will expect relevant Commission employees to do the same. For the same reason, the validity of my original action stands.

What I found less amusing was the assertion that my conduct "place [note: not may place] the entire Commission at risk . . . sexual harassment lawsuit". A separate communication will be forthcoming on this particularly serious, and totally groundless, charge.

WASHINGTON, DC, July 14, 1995.

#### MEMORANDUM

To: Chairman Peter Watson.

From: Vice Chairman Janet Nuzum, Commissioner David Rohr, Commissioner Don Newquist, Commissioner Lynn Bragg.

Subject: Clarification of our memo of July 12.

In light of your comments in CO70-S-070 of late yesterday, we wish to clarify our statements in the last paragraph of our memorandum of July 12. We were not, and are not, alleging that you have engaged in sexual harassment, and regret any inference of such. Our concern is the use of intimidating tactics and the possibility of grievances or lawsuits being filed by staff should such treatment persist. Obviously, we would not welcome such filings; besides the obvious legal costs, there would be serious repercussions to morale within the agency. We need a Chairman who leads by respect, not threat. We hope you agree. In bringing these concerns to your attention now, it is our sincere hope that you will appreciate these concerns and that we can all avoid this situation from escalating.

WASHINGTON, DC, July 17, 1995.

#### MEMORANDUM

To: Vice Chairman Janet Nuzum, Commissioner David Rohr, Commissioner Don Newquist, Commissioner Lynn Bragg.

From: Peter S. Watson.

Subject: CO69, 64, 67, & 71-S-003 of July 14, 1995.

I am in receipt of the captioned Memoranda. In respect to your actions that I took issue with in the last paragraph of my Memorandum CO70-S-070, knowledgeable counsel has advised me that, upon a review of the facts and applicable law, he believes actionable libel was committed by each of you (and perhaps others, yet to be identified) in respect to the same.

Adlai Stevenson once observed that it is often easier to fight for principles than to live up to them. I have no lessons to learn from those who would presume to piously school me while simultaneously publishing and disseminating the insidious and odious language referred to. I am, however, prepared to accept the unconditional retraction of, and apology for, the language that you issued as an end of your role in this most regrettable matter.

WASHINGTON, DC, August 11, 1995.

#### MEMORANDUM

To: The Commission.

From: Peter S. Watson.

Subject: Request for hiring authorizations.

The purpose of this memo is to seek comment on action I am considering on several requests for authorization to hire. As you know, I instituted a hiring freeze this past April (Administrative Order 95-13) that allows exceptions for demonstrated critical staffing needs. Because all hiring decisions

made before the end of FY 95 will affect our budget planning for FY 96, I believe it is important that the Commission be advised of my decisions in that regard and given the opportunity to comment on the same.

I recently received a request (OP-S-028) dated July 21, 1995, from the Director of Operations regarding certain critical staffing needs. Attached for your review and information is Mr. Rogowsky's July 21, 1995 memorandum, other memoranda related to requests for hiring authority, and background information on the ITC's Cooperative Education Program.

Upon review of these memoranda and after numerous conversations with staff, I have decided that it is sagacious to authorize Office of Industries (OI) to convert three co-op employees to permanent status (authorization to hire into the co-op program granted 12/27/94 by this Office) and to authorize the Office of Information Systems (OIS) to announce and hire a computer specialist. I have concluded that it is in the ITC's best interest to fill these positions despite the possibility that the Commission's FY 96 appropriation may necessitate a reduction in force. At this time, I do not expect to grant any other hiring authorizations in FY 95.

We may estimate that the Commission will have approximately 425 full-time permanent employees on board at the close of FY 95 (if the aforementioned positions are filled). This number is based on several considerations including the assumption of a conservative attrition rate during FY 96. The last transaction report (AD-S-175 dated August 7, 1995) indicates that the Commission has approximately 423 funded permanent position filled. This number would change as follows: 1) the Commission is currently expecting to hire a Director of Administration and a Director of Economics (+2); 2) four more voluntary early retirements will occur by September 30th (-4); 3) replacing Andy Fontaine in OIS and approving the conversions of the three co-op employees would add four (+4). The net result under this scenario would be 425 permanent employees. I recognize that staffing in Commissioners' offices may fluctuate slightly as well.

It is, or course, useful to ask whether the Commission could sustain 425 full-time permanent employees under different budget scenarios. Based on Mark Garfinkel's estimations, if we are funded at \$44.5 million, the Commission would be able to support 425 positions. If we are funded at \$43.5 million, a furlough appears to be required to avoid a RIF. If, however, we are funded at \$42.5 million or below, a RIF would become necessary even with a furlough. All of these scenarios assume a non-personnel expenditure reduction of 10% (not including rent) and some attrition in FY 96. We also expect some savings from reducing leased space to be realized in FY 96.<sup>1</sup>

With the departure of Andy Fontaine in OIS, there exists a critical need for additional technical computer support in that Office. The only other OIS employee that has a technical experience is Wally Fullerton. While OIS may be currently over-staffed, existing employees cannot be trained to fill Andy's position. It is important to note that the positions currently filled by Andy and Wally Fullerton would likely be placed in a separate "competitive level" from other staff, preventing those positions from competing in a RIF targeted at OIS.

The Office of Industries is operating at a level well below its current ceiling of 125 full-time permanent positions. The co-op conversions will still leave industries six positions below its ceiling and fill important or critical needs in OI divisions. I am mindful that a significant investment in the program and these particular employees has already

been made. The Commission would be hiring highly productive individuals at a GS-9 level (average entry level is GS-11/3) who have already been trained. I note that precedent exists to convert co-op personnel during a hiring moratorium. Although the Commission does not have a legal obligation to hire co-op employees on a permanent basis, it makes sense to do so with successful candidates if we are going to continue to embrace the program.<sup>2</sup> It is my understanding that the Office of Personnel does not believe an extension of their temporary status is possible. Moreover, they would not have health insurance unless converted. Because the co-op employees, if converted, would likely be among the first to go in a RIF targeted at Industries, I would advise them in advance of their questionable job security.

Please provide me with your comments in writing by the close of business August 16, 1995.

WASHINGTON, DC, August 17, 1995.

#### MEMORANDUM

From: Peter S. Watson.

To: David B. Rohr.

Subject: Use of title: "Senior Commissioner".

I am in receipt of your Memorandum CO64-S-055 dated August 14, 1995. Upon a thorough review of the entire matter it is clear that the only relevant activity of disseminating misleading information relates to your persistent and ongoing public use of the non-existent title "Senior Commissioner". It is a matter of public record that you are the longest-serving Commissioner. However, it is obvious from the style and context of your use of the term "Senior Commissioner" that the same connotes a formal and legal title, and does not merely indicate relative length of tenure.

The correspondence attached to your Memorandum indicates that you have on at least three occasions formally and in writing represented yourself with the title "Senior Commissioner". The record reflects that you sent two letters to the *Financial Times* and one letter to *Inside U.S. Trade* using this non-existent title. This self-appointed title apparently misled the Letters Editor of the *Financial Times* who indeed addressed you with the title "Senior Commissioner" in his response to you dated August 1, 1995.

Please note that the term "Senior Commissioner" does not appear as a title designating a position in any statute relating to the Commission, or in any Commission regulation, directive or administrative order. See the attached OGC Memorandum LMS-S-041.

Your use of non-existent title is, at the least, a profound embarrassment to the Commission and especially to yourself. Moreover, I am concerned that any continuing use of the same might bring about a situation that results in a claim that use of the title in question is in violation of law. In this context one should note 18 USC Section 912 entitled "Officer or employee of the United States" which states:

"Whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United States or any department, agency or officer thereof, and acts as such. . . shall be fined under this title or imprisoned not more than three years, or both."

In that context, the Supreme Court case of *United States v. Barnow*, 339 US 74, 60 1 Ed 155, 36 Ct 19 (1951) supports the obvious conclusion that 18 USC Section 912 is to be read broadly to include the false representation as to some office or employment which has no legal or actual existence. As the Court notes ". . . the mischief is much the same. . . whether the pretender names an

existing or non-existing office or officer. . . .

Since the entire Commission is now on notice of your continuing use of the said title and of possible claims arising from ongoing use thereof, I hereby direct you to immediately and permanently cease and desist in the use of the same.

WASHINGTON, DC, August 1, 1995.

# MEMORANDUM

To: The Chairman.

From: The General Counsel.

Subject: "Senior Commissioner".

This is in response to your request for a review of whether the term "Senior Commissioner" appears as a title designating a position in any statute relating to the Commission, a Commission regulation, a directive, or an administrative order. We have found no such usage in statutes (both current provisions and those applicable in 1996) relating to the Commission, the Commission's Rules of Practice and Procedure, directives, or administrative orders.

WASHINGTON, DC, August 22, 1995.

To: Chairman Peter S. Watson.

From: David B. Rohr.

Subject: Your memorandum CO70-S-082 (use of term "Senior Commissioner"); My memorandum CO64-S-055 (Title VII Study, Investigation No. 322-334).

I have seen your August 17, 1995 memorandum, CO70-S-082. I note that you take issue with my use of the term "Senior Commissioner," but avoid the important matter raised by my memorandum CO64-S-055, the circulation of misleading information to the media on our Title VII investigation and report.

Your views regarding the use of the term "Senior Commissioner," while interesting, reveal a surprisingly deficient research effort. Rather than merely parse the statute, you could have researched Commission custom and tradition, precedent that is important in matters such as these. Such research would have revealed the use of the title by other Commissioners at appropriate periods of their tenures. I recall, in those cases, the Senior Commissioners were accorded courtesy and respect by their colleagues, qualities that are, indeed, in short supply within the current Commission.

Also on the "Senior Commissioner" issue, I must point out that the letterhead I use clearly shows the statutorily designated title of "Commissioner" in the upper left hand corner. My use of the term "Senior Commissioner" is subordinate to this statutory designation. The term "Senior" in "Senior Commissioner" is merely an adjective, reflecting my seniority of tenure among the current Commissioners, a fact that even your memorandum acknowledges. Seniority of tenure is statutorily referred to in section 331(c)(1)(B) of the Tariff Act of 1930, as amended. I am merely using the title as it has been customarily used at this agency, and, in my case, perhaps, also as a reference to chronological age.

I am very disappointed that you have chosen to ignore the purpose of my memorandum CO64-S-055, which was to call your and our colleagues' attention to what I believe to be misleading publicity regarding the Title VII report. My concern is heightened by a second letter from the *Financial Times*, received on Friday, August 18 (copy attached), which states in paragraph 2 that "Nancy Dunn's original story . . . was based upon information supplied by the ITC." (emphasis added). This suggests very strongly that the June document "Release of U.S. International Trade Commission (ITC) Study on Economic Effects of Antidumping and

Countervailing Duty Orders and Suspension Agreements," which included the \$16 billion dollar cost figure, actually originated in and was disseminated from this agency with some sort of deliberate intent that it be mistaken for a Commission-sponsored document.

I think we all should be very concerned about the *appearance* (at least) of dishonesty and lack of integrity at the Commission if, indeed, such information originated here and was disseminated as though it were a Commission publication. I believe the information disseminated was, in fact, wrong. I documented this in my previous memorandum. Regardless, however, of how the information is characterized, it appears to have been disseminated as though it were from the Commission. This is the critical misrepresentation—not that the information was wrong—but that it was apparently deliberately misrepresented to be from the Commission.

Therefore, I renew my request for your thoughts and those of my colleagues about any actions that we might take to shed light on this case and assure that similar occurrences are precluded in the future. I will have to assume that continued silence by you or any other Commissioners is a lack of interest and concern.

I also renew my request for your communications with the *Financial Times* related to the Title VII study.

Mr. HATCH. Mr. President, I would just like to make a few comments with respect to Senator BIDEN's remarks.

First, Senator BIDEN remarked that the process by which this bill was brought to the floor was problematic. I agree, the process was imperfect. I would rather have brought the authorizing language through the normal process. I would note, however, that we have already held more hearings on the authorizing language in this bill than the Judiciary Committee held on the entire 1994 crime bill. I think it's tough to argue about the process by which this bill was sent to the floor.

Second, I would like to address the so-called cuts to Federal law enforcement. Federal law enforcement is increased nearly 20 percent over 1995 levels. And I would note that since 1990, the only real cut to Federal law enforcement came in the President's first budget. Indeed, Congress actually restored the President's cuts.

For example, the Commerce, Justice, State conference report funds INS at an increased rate of \$2,557,470,000.

The conference report provides over a 23.5-percent increase of fiscal year 1995 enacted levels. This increase provides funds to better control our borders and to stem illegal immigration.

The conference report provides funds for 800 new border patrol agents, 160 support personnel, and allows for better INS efficiency by redeploying interior agent positions to locations where the illegal immigration problem is most severe, the border.

The report also increases, by 1,400 positions, personnel dedicated to apprehend, locate, detain, and deport illegal aliens. Funding is also provided for over 2,800 detention beds and funding for antismuggling units.

Construction funds are provided for a triple fencing pilot project in southern California and funds to renovate a

naval base for use as an INS satellite training facility.

Although the FBI does not receive quite the funding that I would like it to, it nevertheless receives a substantial increase over 1995.

The conference report represents over a 9.8-percent increase compared to fiscal year 1995 enacted levels. This increase provides resources enabling the FBI to address many projects and initiatives. These initiatives include: Personnel to staff the FBI Command Center; FBI legal attaches; safe streets task forces; FBI laboratory equipment and personnel; emergency response teams; upgraded databases on gangs; State, local, and Indian tribal law enforcement training; aviation maintenance and equipment; and wireless radio communications.

Construction funds are provided to renovate the FBI Command Center, to modernize the FBI Training Academy for use by Federal, State, and local law enforcement officers, and to begin work on a new FBI laboratory facility.

The conference report does not include a \$29 million request relating to the full annualization of personnel that could have been hired in fiscal year 1995. In light of this hiring delay, however, the full personnel funding request is not necessary.

The report provides significant funding for U.S. attorneys offices as well. The \$925,509,000 in the conference report represents over a 8.5-percent increase compared to the fiscal year 1995 enacted levels. Funding will support expedited deportation of denied asylum applicants, Federal victims counseling under the Violence against Women Act and increased demands for criminal prosecution and related activities.

The conference report also pays for security upgrades at U.S. attorneys offices, increased prosecutions of immigration laws, and funds to maintain attorney and support personnel levels for the prosecution of violent crime.

The DEA also received an increase in this bill, as it should. Drug use is the scourge of America, and it needs to be combated.

I fought for \$60 million in trust fund money for the DEA during the Comprehensive Terrorism Prevention Act. I appreciate the Appropriations Committee taking my funding recommendation into account and providing DEA with \$60 million of trust fund money.

The conference agreement provides over a 6.4-percent increase compared to fiscal year 1995 enacted levels. This provides to the DEA funds to improve its infrastructure and to better support investigative efforts.

The conference report includes program increases for the DEA's legal attaché program, contract linguist support, advanced telephony, office automation, new agents for domestic heroin enforcement, mobile enforcement teams, and wireless radio communications.

The conference report does not include \$15 million requested relating to

full annualization cost of personnel that could have been hired in fiscal year 1995. In light of this hiring delay, however, the full request personnel is not necessary.

The marshal's service is also adequately funded under the bill.

The conference report provides over a 12.9-percent increase compared to fiscal year enacted levels. This agreement provides funds to upgrade security at existing courthouses. Additionally, it provides additional security personnel, equipment, and communications funds for new and expanded courthouses.

As for today, we are trying to balance the Federal budget. The President's request for Federal law enforcement was not made in the context of balancing the Federal budget. He has the luxury of not balancing the budget.

I would certainly like to put more money back into Federal law enforcement, but where will that money come from?

I would ask if we do not balance the budget now, then when will we do it? Where should we take the money from?

The plain truth is, this bill is an increase to Federal law enforcement—an increase of 20 percent. The only budget passed here in recent years that cut Federal law enforcement was Fiscal Year 1994—The first full Clinton budget.

I would also like to comment on the Prison Grant Program Senator BIDEN mentioned. The Department of Justice has engaged in what might be charitably characterized as a campaign of misinformation about the prison grants provisions contained in the conference report. For example, while committee staff was working on the details of these provisions, the staff solicited and received informal comments from the Department's Office of Policy Development. The Department's comments contained numerous factual errors.

For example, I was quite surprised to receive a letter on behalf of the American Society of Corrections Administrators [ASCA] which parroted, errors and all, the Department's informal comments. These comments were apparently transmitted to corrections departments in every State. As the corrections director of my State of Utah, who serves as the legislative committee chairman of ASCA, noted in a followup memorandum to the association's executive director:

These informal comments appear to be designed to sidetrack or block any congressional attempts to revise the 1994 crime bill in any way as the administration admittedly does not want any revisions to this Bill.

Recently, the Department has been circulating a series of spreadsheets containing data purporting to demonstrate how many of our States would suffer under the conference report as compared to the 1994 crime bill.

I ask unanimous consent that two of the analyses to be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATCH. The problem is, the numbers they use are unreliable, and are based on assumptions which are either unprovable, or simply untrue.

Indeed, an early Department criticism of this grant program stated that:

[t]he way the funds are divided among qualified States prohibits the determination of grant amounts until all States applications are submitted and reviewed for compliance, and grant decisions are made.

Yet the figures being bandied about purport to be exactly such determinations.

There are several sets of numbers floating around. Apparently, the Department would run figures based on any assumption given them. In such a case, one really can use statistics to prove anything.

As just one example of the wildly varying sets of numbers released by the Department, under one set, my State of Utah would receive no money in fiscal year 1996, in another it would qualify for \$2,324,958, and under a third scenario, Utah would receive \$4,350,000. There is even a fourth analysis, under which Utah receives more than \$7.3 million. I understand that a fifth analysis exists that gives Utah nearly \$6 million. At this rate, eventually the Department will be reporting that all of the money will go to Utah. While my State, like each of our States, can certainly use prison grant assistance, this only highlights the spurious nature of these so-called analyses. Each of these analyses presumably are evaluating the same program.

As an example of assumptions used in the analyses that are simply untrue, the Department has repeatedly assumed that the grant program would be funded at a level of \$500 million in fiscal year 1996. Yet the conference report which the Department purports to be evaluating clearly appropriates \$617 million for the program.

Moreover, several of the Department's analyses assumes that all \$500 million assumed appropriated pursuant to the 1994 crime bill would be applied directly to grants, while it assumes that under the conference report, only \$300 million would be applied to grants. With such a starting assumption, it is hardly surprising that the analyses would conclude that States will receive less funding under the conference report.

The problem is, the premise simply isn't true. While the conference report admittedly utilizes \$200 million of the \$617.5 million appropriated to provide extra assistance to truth-in-sentencing States with high numbers of criminal aliens, there is absolutely no reason to

believe that Congress would not do the same thing if no other change were made to the prison grant program. Implying otherwise to arrive at the desired result is disingenuous.

Some of the Department's results may be skewed on political grounds. Some of the results look peculiar indeed. For instance, one analysis purported to show which States would qualify for truth-in-sentencing grants, which would qualify for the less-lucrative general grants, and how much each State would receive under the conference report. Perhaps it is only a coincidence, but among the 28 general grant States in this analysis were 16 States that are represented in the Senate by 18 Senators who sit on either the Judiciary Committee or the Commerce, Justice, State Appropriations Subcommittee.

There is much more one could say about the numbers being bandied about by the Department of Justice on this issue. I will say no more about them, except to comment that this debate should involve policy arguments, not political scare tactics. The bottom line is that I believe that, if it is administered in an unbiased manner, all our States will receive a fair share of funds under this bill—a share that is proportionate to their crime rate and to their efforts to keep criminals off the streets. If a problem with the language does exist we will certainly fix it on the next round.

This bill is not perfect. But it has its priorities right, and devotes significantly more resources to the incarceration of violent prisoners than the fiscal year 1995 appropriation bill did. That bill appropriated only \$24 million of an authorized \$175 million. I believe that we can do better, and this conference report does so. I urge my colleagues to support it.

Furthermore, my friend from Delaware has also criticized the indeterminate sentencing provisions in the conference report.

I listened with great interest to my colleague's remarks. I am certain that it was not his intent to imply that this provision was designed to harm other States.

The truth is, 34 States practice some form of indeterminate sentencing. In many instances, violent prisoners can be kept in jail longer in these States than in determinate-sentencing States. For instance, in Delaware, even if they keep a prisoner in jail 10 years, he could be out in 9. In a system like Utah's, the same criminal could be sentenced to 5 to 15 years. Using criteria very similar to the Federal sentencing guidelines, the Utah Parole Board can keep the prisoner in for 5 more years.

This bill does nothing more than level the playing field for indeterminate States that keep violent thugs locked up.



## EXHIBIT 1

## CRIME SUBCOMMITTEES

(Grant amounts in thousands of dollars)

State	Current law grants	S. 3 grants	Truth in sentencing grants under the conference bill including that INA awards	Percent change, comparing awards under the conference bill to current law awards
Total for formula grants	\$495,000	\$495,000	\$405,600	—0
Total awarded	495,000	\$387,060	\$195,707	—20
Alabama	5,571	0	NA	—
Alaska <sup>1,2</sup>	1,495	1,592	0	—100
Arizona	8,617	7,817	13,188	53
Arkansas	7,954	2,768	***	—
California	94,034	74,780	139,511	48
Colorado <sup>3</sup>	3,822	0	0	—100
Connecticut	3,038	2,819	5,102	58
Delaware <sup>2</sup>	1,632	1,914	0	—100
Dist. of Columbia	3,328	2,962	***	—
Florida	48,636	37,432	29,429	—37
Georgia	14,880	5,950	***	—
Hawaii <sup>3</sup>	1,273	1,758	0	—100
Idaho <sup>2</sup>	1,278	1,761	0	—100
Illinois	31,927	25,948	20,007	—37
Indiana	8,681	7,573	6,170	—28
Iowa	2,179	0	NA	—
Kansas	4,300	4,223	4,900	14
Kentucky <sup>2</sup>	3,422	0	0	—100
Louisiana	13,456	11,421	7,621	—43
Maine <sup>1,2</sup>	1,060	1,824	0	—100
Maryland <sup>3</sup>	8,176	6,907	0	—100
Massachusetts <sup>3</sup>	8,004	5,805	0	—100
Michigan	11,958	8,182	12,038	1
Minnesota	3,013	2,804	5,088	89
Mississippi	3,998	3,964	4,818	21
Missouri	11,516	9,975	3,874	—87
Montana <sup>2</sup>	1,040	1,618	0	—100
Nebraska	2,329	0	***	—
Nevada	4,188	1,584	4,873	16

## CRIME SUBCOMMITTEES—Continued

(Grant amounts in thousands of dollars)

State	Current law grants	S. 3 grants	Truth in sentencing grants under the conference bill including that INA awards	Percent change, comparing awards under the conference bill to current law awards
New Hampshire	1,248	0	***	—
New Jersey	8,152	5,894	10,732	32
New Mexico	3,050	2,826	0	—
New York	54,953	44,051	34,924	—38
North Carolina	13,892	11,765	7,750	—44
North Dakota <sup>1</sup>	963	1,599	9,917	307
Ohio	18,313	13,088	8,488	—45
Oklahoma	3,884	0	***	—
Oregon <sup>1</sup>	5,048	2,847	0	—100
Pennsylvania	14,756	5,975	8,006	—48
Rhode Island	1,416	0	4,204	107
South Carolina	11,150	9,608	6,937	—18
South Dakota	1,040	0	***	—
Tennessee	6,617	4,971	***	—
Texas	21,224	13,752	***	—
Utah <sup>3</sup>	1,550	1,985	0	—100
Vermont	1,001	1,544	NA	—
Virginia	7,514	6,749	8,558	—22
Washington	8,312	7,377	***	—
West Virginia	1,382	0	***	—
Wisconsin <sup>3</sup>	2,797	0	0	—100
Wyoming	1,191	173	***	—

NA: Data are not available to determine eligibility for conference bill truth in sentencing grant awards for Alabama, Iowa, and Vermont.

No grant is made under S.3, hence percent difference is meaningless; or it is unknown if the State is eligible for a general grant under the conference bill.

\*Totals include projected 1998 award funds based on estimated 1995 distributions for Truth in Sentencing and the Immigration and Nationality Act (TIS/INA) diverted from prison grants under Section 20110(b) and does not reflect direct SCAAP appropriations.

Dollar amounts listed indicate the estimated award for truth in sentencing grants. Zeros indicate that the state failed to meet the necessary requirements as stated in the conference bill for both general grant awards and truth in sentencing grant awards.

\*\*\* State is ineligible for truth-in-sentencing grant awards under the provisions of the conference bill. Sufficient data are not available to determine eligibility for conference bill general grant awards at this time.

## Assumptions

Under all scenarios, total appropriation is \$500,000,000.

Current Law (Column 1): Current law assumes all formula grant funds are awarded because of "reverter clause." One percent for administrative costs has been taken off the top, but none for technical assistance or discretionary funding.

S.3 Grants (Column 2): Under S.3, 1% is taken off the top for administrative costs.

Truth in Sentencing Grants Under the Conference Bill (Column 3):

1. The Attorney General uses no program funds for housing Federal prisoners in non-Federal institutions.

2. From the initial \$500 million appropriated for truth in sentencing and general grants, Section 20109(a)(1) allocates 0.3% (\$1.5 million) for payments for the incarceration of offenders under Indian tribe jurisdiction. Administrative costs are set at one percent (\$5 million) to be comparable with other formulas.

Direct SCAAP appropriations comprises \$300,000,000. The conference bill requires that the difference between the initial authorization for prison grants (\$500 million) and direct SCAAP appropriations (\$300 million) be diverted from prison grants to awards under the Immigration and Nationality Act.

## Footnotes From the Table

<sup>1</sup> These states are expected to be ineligible for both types of prison grants under the conference bill—general grants and truth in sentencing grants. The states are not eligible for general grants because they fail to meet the parameters established by Section 20103(a)(2), which requires that states "increase[d] the average prison time actually to be served in prison" since 1993 for part 1 violent crimes. According to the 1995 Bureau of Justice Statistics report, "Violent Offenders in State Prison: Sentences and Time Served," (p.4) the average minimum time for violent offenders to serve before release has not increased since 1993 for the indicated states.

<sup>2</sup> These states are expected to be ineligible for both types of prison grants under the conference bill—general grants and truth in sentencing grants. The states are not eligible for general grants because they fail to meet the parameters established by Section 20103(a)(3), which requires that states "increase[d] the average percentage of time of the sentence to be actually served in prison" since 1993 for part 1 violent crimes. The above BIS report indicates that the percent of the average maximum sentence to be served for violent offenses has not increased since 1993 for these states.

<sup>3</sup> These states are expected to be ineligible for both types of prison grants under the conference bill—general grants and truth in sentencing grants. The states are not eligible for general grants because they fail to meet the parameters established by Section 20103(b)(2)(B), which requires that states "increase[d] the average time served in the state for the offenses of murder, rape, and robbery" since 1993. The above BIS report indicates that the average time served for violent offenses has not increased above 1993 levels for the indicated states.

## COMPARISON OF POTENTIAL STATE AWARDS UNDER CURRENT CRIME ACT PRISON GRANTS, S. 3, AND NOVEMBER 28 CONFERENCE BILL AT \$500 MILLION—PRELIMINARY

(Grant amounts in thousands of dollars)

State	Current law grants	S. 3 grants	Truth in sentencing grants under the conference bill*	TIS/INA awards** (1998 projection)	Percent difference*		Percent difference excluding TIS/INA grants	
					Compared to current law	Conference bill + TIS/INA vs. S. 3	Conference bill vs. current law	Conference bill vs. S. 3
Total for formula grants	\$495,000	\$495,000	\$293,500	\$200,000	—0	—0	—41	—41
Total awarded	495,000	367,060	195,765	200,000	—26	—20	—60	—47
Alabama	5,671	0	NA	—	—	—	—	—
Alaska <sup>1,2</sup>	1,405	1,802	0	—	27	100	100	100
Arizona	8,617	7,617	6,085	7,000	—12	52	72	—20
Arkansas	2,954	2,769	***	—	—6	—	—	—
California	94,034	74,780	29,979	108,000	—20	47	85	—60
Colorado <sup>3</sup>	3,822	0	0	—	—100	—100	0	0
Connecticut	3,038	2,819	5,117	—	—7	68	81	81
Delaware <sup>2</sup>	1,532	1,914	0	—	25	—100	—100	—100
Dist. of Columbia	3,326	2,962	—	—	—11	—	—	—
Florida	46,535	37,432	16,625	12,000	—20	—38	—24	—56
Georgia	14,680	5,950	***	—	—59	—	—	—
Hawaii <sup>3</sup>	1,273	1,758	0	—	38	—100	—100	—100
Idaho <sup>2</sup>	1,279	1,761	0	—	38	—100	—100	—100
Illinois	31,927	25,946	12,744	7,000	—19	—38	—24	—51
Indiana	8,561	7,573	6,180	—	—12	—28	—18	—18
Iowa	2,179	0	NA	—	—100	—	—	—
Kansas	4,300	4,223	4,897	—	—2	14	16	16
Kentucky <sup>2</sup>	3,422	0	0	—	—100	—100	0	0
Louisiana	13,455	11,421	7,307	—	—15	—46	—36	—36
Maine <sup>1,2</sup>	1,060	1,624	0	—	55	—100	—100	—100
Maryland <sup>3</sup>	8,175	5,907	0	—	—28	—100	—100	—100
Massachusetts <sup>3</sup>	8,004	5,805	0	—	—27	—100	—100	—100
Michigan	11,958	8,182	9,659	2,000	—32	—3	42	18
Minnesota	3,013	2,804	5,122	—	—7	70	83	83
Mississippi	3,996	3,984	4,838	—	0	21	21	21
Missouri	11,616	9,975	6,964	—	—14	—40	—30	—30
Montana <sup>2</sup>	1,040	1,618	0	—	56	—100	—100	—100
Nebraska	2,329	0	***	—	—100	—	—	—
Nevada	4,188	1,564	4,853	—	—63	16	210	210
New Hampshire	1,248	0	***	—	—100	—	—	—
New Jersey	8,162	5,894	7,737	2,800	—28	29	79	31
New Mexico	3,050	2,826	***	—	—7	—	—	—
New York	54,953	44,051	18,873	15,000	—20	—38	—23	—57
North Carolina	13,892	11,765	7,565	—	—15	—46	—36	—36
North Dakota	963	1,599	3,956	—	66	311	147	147
Ohio	16,313	13,668	8,287	—	—16	—49	—39	—39
Oklahoma	3,884	0	***	—	—100	—	—	—
Oregon <sup>2</sup>	5,046	2,847	0	—	—44	—100	—100	—100
Pennsylvania	14,756	5,975	7,901	—	—60	—46	32	32
Rhode Island	1,415	0	4,221	—	—	198	100	100
South Carolina	11,150	9,608	8,767	—	—14	—39	—30	—30
South Dakota	1,040	0	***	—	—	—	—	—
Tennessee	6,617	4,971	***	—	—25	—	—	—
Texas	21,224	13,752	***	—	—35	—	—	—
Utah	1,650	1,985	4,350	—	20	164	119	119
Vermont	1,001	1,544	NA	—	54	—	—	—
Virginia	7,514	6,749	5,778	—	—10	—23	—14	—14
Washington	8,312	7,377	***	—	—11	—	—	—
West Virginia	1,302	0	***	—	—100	—	—	—

COMPARISON OF POTENTIAL STATE AWARDS UNDER CURRENT CRIME ACT PRISON GRANTS, S. 3, AND NOVEMBER 28 CONFERENCE BILL AT \$500 MILLION—PRELIMINARY—  
Continued

[Grant amounts in thousands of dollars]

State	Current law grants	S. 3 grants	Truth in sentencing grants under the conference bill*	TIS/INA awards** (1998 projection)	Percent difference*		Percent difference excluding TIS/INA grants	
					Compared to current law		Conference bill + TIS/INA vs. S. 3	
					S. 3 grants	Conference bill + TIS/INA	Conference bill vs. current law	Conference bill vs. S. 3
Wisconsin <sup>3</sup>	2,797	0	0	.....	-100	-100	0	0
Wyoming	1,191	173	***	.....	-85	—	—	—

NA: Data are not available to determine eligibility for conference bill truth in sentencing grant awards for Alabama, Iowa, and Vermont.  
\* Dollar amounts listed indicates the estimated award for truth in sentencing grants. Zeroes indicate that the state failed to meet the necessary requirements as stated in the conference bill for both general grant awards and truth in sentencing grant awards.  
\*\* Totals include projected 1996 award funds based on estimated 1995 distributions for Truth in Sentencing and the Immigration and Nationality Act (TIS/INA) diverted from prison grants under Section 20110 (b) and does not reflect direct SCAA appropriations.  
\*\*\* State is ineligible for truth-in-sentencing grant awards under the provisions of the conference bill. Sufficient data are not available to determine eligibility for conference bill general grant awards at this time.  
— No grant is made under S. 3, hence percent difference is meaningless; or it is unknown if the State is eligible for a general grant under the conference bill.  
See next page for assumptions and notes.  
Assumptions:  
Under all scenarios, total appropriation is \$617,000,000.  
Current Law (Column 1): Current law assumes all formula grant funds are awarded because of "reverter clause." One percent for administrative costs has been taken off the top, but none for technical assistance or discretionary funding.  
S. 3 Grants (Column 2): Under S. 3, 1% is taken off the top for administrative costs.  
Truth in Sentencing Grants Under the Conference Bill (Column 3):  
1. The Attorney General uses no program funds for housing Federal prisoners in non-Federal Institutions.  
2. From the initial \$500 million appropriated for truth in sentencing and general grants, Section 20109(a)(1) allocates 0.3% (\$1.5 million) for payments for the incarceration of offenders under Indian tribe jurisdiction. Administrative costs are set at one percent (\$5 million) to be comparable with other formulas.  
Direct SCAAP appropriations comprise \$300,000,000. The conference bill requires that the difference between the initial authorization (\$500 million) and direct SCAAP appropriations (\$300 million) be diverted to awards under the Immigration and Nationality Act/TIS provision.  
Truth in Sentencing/Immigration and Nationality Act Awards (Column 4):  
These states fulfill truth in sentencing provisions and are therefore eligible to receive additional funds under the Immigration and Nationality Act.  
Footnotes from the Table:  
<sup>1</sup> These states are expected to be ineligible for both types of prison grants under the conference bill—general grants and truth in sentencing grants. The states are not eligible for general grants because they fail to meet the parameters established by Section 20103(a)(2), which requires that states "increase(d) the average prison time actually to be served in prison" since 1993 for part 1 violent crimes. According to the 1995 Bureau of Justice Statistics report, "Violent Offenders in State Prison: Sentences and Time Served," (p.4) the average minimum time for violent offenders to serve before release has not increased since 1993 for the indicated states.  
<sup>2</sup> These states are expected to be ineligible for both types of prison grants under the conference bill—general grant and truth in sentencing grants. The states are not eligible for general grants because they fail to meet the parameters established by Section 20103(a)(3), which requires that states "increase(d) the average percentage of time of the sentence to be actually served in prison" since 1993 for part 1 violent crimes. The above BJS report indicates that the percent of the average maximum sentence to be served for violent offenses has not increased since 1993 for these states.  
<sup>3</sup> These states are expected to be ineligible for both types of prison grants under the conference bill—general grants and truth in sentencing grants. The states are not eligible for general grants because they fail to meet the parameters established by Section 20103(b)(2)(B), which requires that states "increase(d) the average time served in the state for the offenses of murder, rape, and robbery" since 1993. The above BJS report indicates that the average time served for violent offenses has not increased above 1993 levels for the indicated states.

Mr. COHEN. Mr. President, when this bill was originally on the Senate floor, and Senator DOMENICI offered his amendment to preserve the Legal Services Corporation, I supported Senator DOMENICI's effort but expressed some grave reservations about the restrictions that were being placed on recipients of LSC funds.

I hoped that the conference might come to understand the folly of these restrictions and report out a bill that would provide the LSC with sufficient funds to fulfill its important mission of ensuring that our most needy citizens have equal access to our system of justice—a promise written in stone on the front of the U.S. Supreme Court.

Unfortunately, the product of the conference with respect to the LSC is entirely inadequate.

Under the conference report, LSC funding would be cut from \$400 million in fiscal year 95 to \$278 million, a reduction of over 30 percent.

The bill would place 19 separate restrictions on recipients of LSC funds. These restrictions control not only how legal services organizations may use their Federal grants but also how they may use funds derived from the States, bar associations, and private donations.

Under this bill, legal services organizations and the skilled attorneys that work for them are precluded from testifying at a legislative hearing, commenting on a public rulemaking, or communicating with Federal, State, or local officials that operate programs for the indigent.

At a time when we are authorizing the States to operate welfare, Medicaid, and a host of other programs with less Federal intervention, we are depriving them of the advice and exper-

tise of some of the most knowledgeable poverty law attorneys in the country.

And, at a time when we are trying to reduce the intrusiveness of the Federal Government, we are imposing new Federal mandates on how private organizations—such as Maine's Pine Tree Legal Assistance and the Volunteer Lawyer Project—may use their own money.

The bill also fails to provide the Corporation with sufficient administrative funds to properly perform the competitive bidding and monitoring requirements that this bill creates.

I realize that there are many in the other body that wish to eliminate LSC in its entirety and see these measures as the first steps in that process. But there were over 60 votes in the Senate to preserve LSC and those votes should not be ignored.

I understand that the President intends to veto this legislation, so I expect that the issue of the funding and structure of LSC will be before this body again. I agree that LSC must share in the budget belt-tightening that is being experienced throughout the entire Government. And some new restrictions may be in order to ensure that LSC funds are targeted at the most critical needs of our indigent citizens.

But in the end, the Corporation must be provided funds sufficient to guarantee the continued operation of its programs and restrictions that hinder legal services organizations from promoting the interests of their clients must be eased. I will continue to work toward this result with the President and members of the Appropriations Committee on both sides of the aisle.

Mr. CAMPBELL. Mr. President, I would like to make a few brief comments on the conference report to H.R. 2076, the fiscal year 1996 spending bill

for the Department of Commerce, State, Justice and related agencies.

I appreciate the diligent work of the respective House and Senate subcommittees to craft a conference report that seeks to maximize funding that will be allocated to the Department of Commerce, Department of State, the Department of Justice and the 18 other agencies included in this appropriations measure. It has been made clear from the development of H.R. 2076, that this measure would be subject to a Presidential veto. Today, as we debate this conference report it is apparent the President will follow through to veto this measure.

While I will support the conference agreement today, because it contains vital funding for very meritorious programs, I want to express my serious reservations with legislative language included in this measure that may seriously undermine the ability of law enforcement officials to effectively address crime in their respective States and cities.

As you know, I have been a strong supporter of the 100,000 cops program. This program, which passed with widespread bipartisan support as part of the 1993 crime bill. In that bill, Congress authorized funds to go directly to where the problem exists: that is the shortage of law enforcement personnel. This important program would be administered in a block grant under the legislation now being considered.

I am concerned that scarce dollars would be spend by some mayors on anything that can arguably be construed as law enforcement under a block granting scheme.

Also, I want to once again, reiterate my strong support for drug-court funding. In Denver, our drug court is a tough, law-enforcement oriented solution to society's drug problem. It has already begun to show success. It would be a mistake to eliminate this valuable tool for enforcement of our drug laws.

Understanding this bill will be vetoed by the President, I look forward to working with my colleagues to reach a middle ground in a subsequent appropriations bill.

Mr. COVERDELL. Mr. President, as the Senate considers the 1996 Commerce, Justice, and State appropriations conference report, I wanted to focus my colleagues' attention on the need to obligate substantial resources to combat the devastating increase in drug use among our children. Let me take this opportunity to describe one such effort.

In its annual survey of drug use by junior and senior high school students, the National Parents' Resource Institute for Drug Education [PRIDE] reported significant increases among teenagers for crack, cocaine, heroin, LSD, non-LSD hallucinogens, inhalants, and marijuana.

The PRIDE survey found that 33 percent of our high school seniors smoked marijuana in the past year, and 21 percent smoked monthly. Since the 1990-91 school year, annual reported use of marijuana in junior high school has risen 111 percent and has risen 67 percent in high school. There has been an alarming 36-percent increase in cocaine use by high school students since 1991-92, which was the period of lowest use in recent years. If we allow this trend to continue, teenage drug use will reach the U.S. all-time high of 54 percent, in less than 2 years. Let me restate, we will have more kids in high school who are on drugs than are not.

Despite these alarming trends, surveyed teenagers report only one-third of nearly 200,000 parents talk to their children frequently about the dangers of drug use. Yet the study shows that parental involvement could significantly deter drug use, even among older teenagers. Among high school students whose parents never talk about drugs, 34 percent smoked marijuana, versus 24 percent who said their parents speak about drugs a lot—a relative decrease of 29 percent. Drug use declines sharply among students whose parents frequently discuss drugs with them.

According to the president of PRIDE, Dr. Thomas J. Gleaton, the most effective drug prevention program in the world—parental intervention—is used far less than we think.

Since last March, PRIDE has devoted a great deal of attention to the question of how we, as a nation, can again capture the necessary level of parental involvement that successfully drove down teenage drug use in the previous two decades. By active involvement in the antidrug movement, parents were

successful in driving down drug use by teenagers from the all-time high of 54 percent in 1979 to just 27 percent by 1992.

PRIDE has proposed a grassroots plan focused on a renewed parent movement in the fight against teenage drug use. The goal of this effort is to educate parents and involve them in programs that will prevent and reduce drug abuse by their children. PRIDE's volunteer-based approach will allow parents to create a drug prevention program most suitable to the needs of their community. I feel strongly that the best solutions are found closest to the problem, which in this case, is the local level. I believe PRIDE's proposal is a valiant step toward preventing drug use among our Nation's most vulnerable targets—our children. Putting an end to drug use among teenagers is a key component in winning the war against the drugs.

In closing, I urge the Attorney General to ensure that adequate resources are available to combat teenage drug use. In addition, I encourage the Department of Justice to make available discretionary grant funds through justice assistance and juvenile justice programs to support PRIDE's efforts to establish programs involving parents in our fight against teenage drug use.

Mr. LAUTENBERG. Mr. President, I rise in opposition to this conference report.

Mr. President, before I discuss my views on the conference report, let me begin by commending the distinguished Senator from New Hampshire, Senator GREGG, and the distinguished Senator from North Carolina, Senator HOLLINGS, for their hard work on this legislation. Senator GREGG in particular has managed to get up to speed on the intricacies of this legislation after Senator GRAMM left the subcommittee. That's not an easy thing to do, and he deserves real credit for his efforts. Similarly, Senator HOLLINGS, as always, has demonstrated his expertise on the programs covered in this legislation, and he also deserves credit for his work.

Mr. President, given the hard work of these two Senators, I rise to oppose the conference report with some reluctance. However, I have serious concerns with the final product, and so I am left with little choice.

I am especially concerned about the complete elimination of funding for the Community Policing Program.

Mr. President, this body previously voted to fully fund the COPS Program reaffirming our commitment to putting 100,000 new police officers on the streets.

Unfortunately, we apparently have now backed down in the face of opposition from the House. And this conference report would completely eliminate the COPS Program.

Mr. President, the Community Policing Program is a program that works. I can attest to that because I've seen it first hand. A few months ago, I was in

Plainfield, NJ, and I saw what the Community Policing Program has meant for that town. The results have been dramatic.

Crime has been reduced. The relations between the police and the community have improved. And the whole city has benefited.

I've seen similar results in several New Jersey cities.

Mr. President, community policing works largely by preventing crime before it happens. Under the program, officers are encouraged to get out of their cars and onto the streets. There, they go to know the people of the community and their problems. In the process, they also gain citizens' trust and confidence.

The improved relationship between the police and their community has several payoffs. Perhaps most importantly, officers are able to identify and resolve conflicts early on—before they erupt into violence. Community police officers often know when tensions are building between rival gangs, or between a husband and a wife. And they can take steps to defuse these tensions in a constructive way.

By contrast, officers who don't get out of their patrol car may have no idea that violence is about to erupt until it's too late to do anything about it—or after the fact.

Community policing also makes citizens feel more safe. People tell me that it's very reassuring to see an officer walking the beat, available to help out if a problem arises. This increased sense of security can make a huge difference in the quality of peoples' lives. It allows them to go out at night, to take their kids for a walk in the park, to get to know their neighbors.

These are the kind of things that Americans should be able to take for granted. But they can't in today's climate of fear.

Another benefit of community policing is that it helps to involve the police in the daily lives of young people.

As you know, Mr. President, many teenagers today are growing up without fathers, and without responsible adults who can set them on the right course. Community policing officers can help fill that void. Although no policeman can substitute for a father, officers can help instill a sense of values, and can lead young people away from lives of crime and drugs.

But they can't do that if they're just sitting in their patrol cars, isolated from the community.

Mr. President, a broad range of law enforcement officials have recognized the value of community policing. In fact, a national poll found that a clear majority of chiefs and sheriffs surveyed called community policing the most cost-effective strategy for fighting crime.

In addition, national law enforcement organizations, including the Major Cities Chiefs of Police, the National Association of Police Organizations, the National Sheriffs' Association, and the Fraternal Order of Police,

all have come out strongly in support of the COPS Program. These are the people at the front lines in the battle against crime. And they know what works.

Mr. President, it would be a serious mistake to eliminate the Community Policing Program in favor of a whole new bureaucratic mechanism that does not now exist, and has no track record of success.

Unlike the Community Policing Program, which was worked out in lengthy negotiations during last year's crime bill debate, the new block grant program in this bill hasn't been subject to serious review. We don't know whether it will work.

There also are serious questions about how State politicians will use this money. Under the terms of the block grant, Governors could choose to fund building code inspectors, parking meters, bullhorns, or even carpets for courthouses. They wouldn't have to hire a single new police officer.

Mr. President, there is no need to deal with these kind of questions, and the variety of other problems that are involved in creating a whole new program. The Community Policing Program has an established track record. It's been up and running for some time. And we know it works. I've seen the results myself. And I am sure many of my colleagues have seen similar successes.

So, Mr. President, I hope my colleagues will not abandon our national commitment to providing 100,000 new police officers. Community policing will make a real difference in reducing crime, if we stick to it. Yet this conference report proposes to eliminate the program altogether. And that would be a serious mistake.

Mr. President, another serious problem with this conference report is that it virtually eliminates crime prevention programs.

Mr. President, it's a cliché, but it's also true that an ounce of prevention is worth a pound of cure. And there has never been a more urgent need to help ensure that young people, especially, are given positive alternatives to lives of crime. Arrest rates for violent crimes by juveniles have risen by nearly 100 percent in the last decade. And these arrest rates are expected to double again in the next 15 years.

We need to do more to reverse these trends. And yet the conference report largely ignores this need.

I urge my colleagues to reject this conference report.

Mr. LIEBERMAN. Mr. President, I rise today to express my deep concern over the cuts in programs in the Commerce, State, Justice appropriations conference report.

#### CUTS IN COMMERCE PROGRAMS

Let me turn first to cuts in the Commerce portion of the bill. Most of us agree that we must balance the budget, but let us avoid the trap of being penny wise and pound foolish in this process of making cutbacks. In our efforts to

effectively balance the budget, we should make smart cuts, and protect investments that will improve our quality of life, will provide high-wage, high-skilled salaries and will maintain U.S. leadership in the global economic marketplace. After all, these are the reasons we are trying to balance the budget in the first place.

#### BACKGROUND OF OVERALL TECHNOLOGY CUTS

In a recent talk to directors of Federal laboratories, the House Speaker listed three priorities for his view of our technology future: We should be on the cutting edge of defense and knowledge. We should systematically bring science to Government, and we should maximize the speed by which we move from science to product. He is right about this agenda. Even though it is singled out in this bill for elimination, Commerce's Advanced Technology Programs [ATP] fits the Speaker's agenda perfectly. This cut comes against a background of deep R&D Program cuts this year. The American Association for the Advancement of Science estimates that Congress' current course will cut Federal R&D by 30 percent.

Three recent comprehensive technology reports explain the need for Government involvement in technology investment such as the ATP program. An October National Institute of Science and Technology planning report in October entitled, "Technology and Economic Growth: Implications for Federal Policy," points out that "technology is the single most important determining factor of long-term economic growth"; it demonstrates why Government investment in science and technology programs leverage similar investments in the private sector.

The Council of Economic Advisers has just released a report entitled, "Supporting Research and Development to Promote Economic Growth: The Federal Government's Role," and it tells us just how damaging cuts in R&D will be. In November, the administration released a white paper on technology and economic growth that underscores this point. It reviews the role that Government has played on a bipartisan basis in supporting innovative technologies that create high-wage job markets, to provide our citizens with higher standards of living and to maintain U.S. leadership in the global economy.

The CEA report points out that U.S. Government support in research and development has yielded a rich history of innovation, from Samuel Morse's original telegraph line in 1842, to discovery of DNA and the creation of Internet. Investments in research and development have high rates of economic return for the Government—a stunning 50 percent social return and a 20 to 30 percent private rate of return.

The effect of Government technology investment on the American people is clearly illustrated in the aerospace industry. Even as recently as the late 1980's, Federal investments were as

high as 80 percent of the total for aerospace research and development. Today, this industry is a critical U.S. economic sector, employing many thousands of Americans, and exporting billions of dollars worth of American-made products. Aerospace R&D investments have brought a huge rate of return for the taxpayer. This sector illustrates that investing in innovative technologies has been a keystone to the Nation's economic growth.

Until now, Presidential and Congressional support for Government investment in R&D has been bipartisan. In 1960, President Eisenhower announced in his State of the Union Message,

We now stand in the vestibule of a vast new technological age—one that, despite its capacity for human destruction, has an equal capacity to make poverty and human misery obsolete. If our efforts are wisely directed—and if our unremitting efforts for dependable peace begin to attain some success—we can surely become participants in creating an age characterized by justice and rising levels of human well-being.

President Eisenhower understood science and technology and its relationship to Government. He supported a great expansion of R&D investment including the growth of the research university and the creation of ARPA, the great Defense Department R&D innovator. In 1961, Eisenhower noted that:

The free university, historically the fountainhead of free ideas and scientific discovery, has experienced a revolution in the conduct of research. Partly because of the huge costs involved, a Government contract becomes virtually a substitute for intellectual curiosity.

In other words, the old stereotype of the brilliant tinkerer, laboring away in his basement, making a great technological breakthrough with no help from the outside world is an engaging, but out-of-date image today. Individual inventors, or even private businesses acting on their own, do not have the resources necessary to keep America at the forefront of technological innovation.

I am concerned, however, that the majority in Congress this year is now reversing their historic course and now plans to sacrifice the technology investment that made the United States a global economic leader. I admire the goal of balancing the budget in 7 years, and I have supported legislation to reach that goal. But I do not support some of the means; including this conference report, that the majority has chosen to reach that end. Cutting technology investment is akin to throwing the lifeboats overboard to reduce the ballast of a rapidly sinking ship. Cut technology funding, and you cut the heart out of our efforts to promote economic growth, trade, job creation. Yet that is what the majority's budget will do by slashing research and development funding by one-third by the year 2002, at a time when other industrialized countries—our competitors—are increasing their technology budgets.

Some like to say that Government should run more like a private business. Well, imagine you are the head of AT&T, and you see MCI pouring millions into R&D. Do you say, "Great. Let us cut our R&D budget, and that will improve our bottom line?" If you did that, the board of directors would have your head.

The Japanese Government, one of our chief competitors, intends to double its technology investment in the coming years. And we are going to respond to that challenge by cutting our technology investment? I fear that these discrepancies in investing trends will do real harm to U.S. exports and to our economy as a whole. According to the Office of Technology Policy, the American high-technology trade balance, after being a key factor for years in U.S. economic growth, is now deteriorating rapidly, with an abrupt shift from a surplus of \$26.6 billion in 1991 to a deficit of \$4.3 billion in 1994. With severe budget cuts in technology and a diminishing trade performance, America will lose its footing on the high-technology global market ladder.

In his book, "Blindside: Why Japan Is Still on Track to Overtake the U.S. by the Year 2000," Eamonn Singleton lists technologies that have been commercialized and are the chokepoints that Japanese industries now control in the electronics industry: flat panel displays, compact disc players and CD-ROM drives, notebook computers, semiconductor materials and equipment, cellular phones and pagers, fax machines and laser printers. A Japanese technology expert notes that the "silicon revolution promises as big a transformation in the world economy as all of the other technologies developed since the 18th century put together." These are all technologies where the initial advances originated in the United States. Outside of the electronics field, Japan's technology advantage has enabled it to take a lead in a long series of economic sectors including auto parts, auto industry manufacturing machinery, molds and dyes, cameras, medical and scientific instruments, musical instruments, and construction equipment. This is not the moment to cut back on U.S. R&D.

The Council of Economic Advisers report reveals that the United States has fallen behind Japan and Germany in its cumulative nondefense research expenditures as a percentage of GDP for the past 20 years. More serious, the CEA study shows that the United States by the end of the decade will also be behind Japan in actual annual funding spent on nondefense R&D. This is a dangerous development in an area where the United States has long relied on a comparative economic advantage. Though we are leaders in telecommunications, semiconductors, and computers now, we may soon stand behind other industrial countries if they continue to put their money where the jobs are and if we begin to pull our money back.

Historically, the private sector moves in the same direction as the Government sector with regard to R&D investments. Trends in Federal research and development support cycles correlate closely with private R&D; as Federal investment expands, the private sector responds with a subsequent increase in R&D spending. So the Federal investments leverage private sector investments. The CEA study warns, therefore, that the upcoming cut in Federal R&D will likely lead to corresponding reductions in private sector R&D.

The administration's white paper on R&D investments points out that "the Republican budget puts American technological and economic leadership at grave risk" and "this is exactly the wrong time to cut investment in R&D." The white paper argues that we must protect key investments in research, education and technology while balancing the budget.

#### ATP

In 1991, Alan Bromley, the science adviser during the Bush administration, developed a list of critical long-term, high-risk technologies which should receive Government and industry attention and support. From these initial ideas, ATP was established to provide a cost-sharing mechanism to support new, world-class products, services and industrial processes projects valuable to Government users, that would also stimulate U.S. economic growth. These industry-government partnerships evolve from industry-proposed ideas for viable new, innovative technologies which are managed by industry, involve significant university participation and are cost shared with NIST. ATP equals industry-driven, fair competition, partnership, and evaluation. ATP does not fund product development initiatives. Tax credits are not a substitute for the ATP. Without government cooperation, these types of precompetitive projects would otherwise be ignored or developed too slowly to effectively compete in the global environment.

ATP programs have already begun to establish niches in the marketplace creating new jobs for Americans, including the small- to medium-sized business sectors. For example, in my State of Connecticut, CuraGen Corp. has received two 3-year, ATP awards in 1994 for unique ideas that are designed to combat serious illness as well as to diagnose and prevent disease. Edward Rothberg, the chair of the board of Laticrete International, Inc.: wrote to me saying that

The greatest benefit of this (ATP) program is the development by CuraGen . . . to provide the means to attack and eventually cure serious illnesses that result in a high number of deaths from cancer, and hundreds of billions of dollars spent for drugs to control illness. A few million invested in research to prevent illnesses will save a hundredfold the investment in drugs that only maintain, but do not cure them.

According to Gregory Went, the vice president of CuraGen, these two awards

have "created over 19 new jobs during 1995 directly related to the ATP programs, with 15 in Connecticut, and will create scores of additional jobs in Connecticut and the United States." Since the R&D will provide a foundation for products that can be commercialized. He adds that companies like CuraGen would not be effective players in the global market competition without the support of ATP.

Edward Dohring, the president of Lithography Systems, Inc., in Wilton, CT, wrote to me in support of ATP, emphasizing the merits of the fair selection process which is entirely based on technical and business merit. He adds:

Half of all ATP awards and joint ventures go to small business directed partnerships \* \* \* and quality proposals in pursuit of ATP funds far outstrip the funds available. Without ATP, the technological opportunities would be slowed, or ultimately forfeited to foreign competitors more able to make key investments in longer term, higher risk research, such as is the focus of ATP.

ATP stimulates economic growth by developing high-risk innovations and by enabling technologies through proposed and cost shared by industry. U.S. Government investment in research and development is in peril at a time when our competition is increasing its support. Cuts in R&D are bad news for America's future. Last month, the Congress approved conference reports that reduced both the Department of Transportation's research, development, and technology programs and the Department of Energy's alternative energy R&D programs by 30 percent from the President's budget request. The CEA report confirms that Federal investments in R&D have a significant impact on high-wage jobs and maintaining U.S. leadership in the global economy. Now is not the time to drop out of the global R&D race and wander down a path toward technology bankruptcy. We need to protect our R&D investments, maintain our strong base and build upon our technology infrastructure so that America will remain an economic world leader. Eliminating ATP, as this conference report proposes, is a grave error.

#### OTHER TECHNOLOGY PROGRAM CUTS

This bill also contains large cuts in the National Information Infrastructure grants program which helps supply community services with advanced communications equipment to promote better health care, local government efficiency, and education services. Funding for the GLOBE Program which promotes understanding of science and environmental science in schools would be zeroed out in this bill. Commitments made to the joint projects of the United States-Israeli Science and Technology Commission by Commerce's Technology Administration would also be hampered by the reductions in this bill. Two other programs: the Manufacturing Extension Program and the Economic Development Administration Defense Conversion program will also be compromised if this bill is passed.

## CUTS IN JUSTICE PROGRAMS

The conference report also undoes much of the good work we accomplished in passing the 1994 anticrime bill. It takes the COPS program—an extraordinarily successful program that has been putting thousands more police on the streets of our communities quickly and efficiently—and turns it into a smaller, State block grant program. There are no guarantees under the conference report that States will use those dollars to put more police on the streets. As I understand it, they have discretion to put these Federal dollars to use for general law enforcement purposes. Experience tells us that fewer police will be funded under such an approach. And every study tells us, and my constituents certainly have let me know, that what we need to feel safer and be safer in their communities is more police walking beats. I am strongly opposed to drastically altering this program, and particularly doing so on an appropriations bill.

## CUTS IN FOREIGN AFFAIRS

The bill also does not adequately fund foreign affairs functions essential to American engagement in the world and pursuit of our interests abroad. While the funding levels are higher than in the original bill, they remain inadequate, funding for State Department operations—American diplomacy and services for American citizens and companies around the world—is set below last year's levels. The President had requested an increase in order to keep necessary foreign posts open, replace antiquated computer equipment and maintain U.S. assets.

The funding levels for international organizations are grossly insufficient to meet our obligations and our national interests. The United Nations, NATO, and other organizations carry out activities—from peacekeeping and nonproliferation to control of epidemic diseases and protection for human rights—which directly serve America's national interests.

Many of these international organizations need management reforms similar to the reinventing Government exercise which Vice President Gore is leading within the U.S. Government. But our diplomats cannot effectively pursue these reforms, and reduce the expenditures of these organizations, if the United States is not a responsible member. For some functions, such as U.N. peacekeeping, U.S. arrearages have already impeded sound management and cost-efficient procurement. The United States must be a responsible member of the international community. We should pay our debts. It does not make sense to build up arrearages to the U.N. and other organizations which we will need to pay off in the coming years as we move toward a balanced budget.

Public diplomacy programs are also severely underfunded in this bill. The international broadcasting programs managed by USIA are critical for U.S.

leadership, since they reach people around the world living under repressive governments or in emerging democracies. I was also disappointed to see support for the National Endowment for Democracy reduced even modestly.

World leadership is a responsibility which is not free. But the financial cost for effective American diplomacy, formal and public, is a reasonable price to pay for the continued U.S. leadership in the world which is so important to the safety and prosperity of every American.

I cannot support this Commerce, State, Justice conference report. It strips funds needed to fight the war on crime, to develop the technology that will be a keystone to our economic future, and to undertake basic foreign policy tasks.

## RESTRICTING THE UNITED STATES GOVERNMENT GROWTH OF UNITED STATES-VIETNAM RELATIONS

Mr. BOND. Mr. President, one provision in the Commerce, Justice, State appropriations bill that I oppose is the language that prohibits the Department of State from spending any funds to expand our diplomatic relations with Vietnam until the President certifies that Vietnam is fully cooperating with the United States in four areas relating to POW/MIA's: First, resolving discrepancy cases, live sightings and field activities; second, recovering and repatriating American remains; third, accelerating efforts to provide documents that will help lead to the fullest possible accounting of POW/MIA's; and fourth, providing further assistance in implementing trilateral investigations with Laos.

I must say that I am somewhat dumbfounded as to why we would include this provision. In fact, the President certified these four criteria this past summer, when he made the decision to move forward on full diplomatic relations with Vietnam.

I certainly understand that there are many who disagree with that move, but the fact is that as President, he has the authority to conduct foreign affairs, and it is not appropriate for us to try to undercut him.

Shortly after the President moved forward with full diplomatic relations, a vote was taken in the Senate on whether additional sanctions should be imposed against Vietnam. By an almost 2-to-1 margin, the Senate voted that no, we should not implement any more sanctions on Vietnam. Let me repeat that. By nearly 2-to-1, we in the Senate said "no more sanctions on Vietnam."

The President made the right decision in moving forward with full diplomatic relations. This provision would threaten those new relations without in any way helping to meet its goal of resolving MIA cases. Moving forward with relations and increasing bilateral contacts is the best way of achieving that goal.

It appears almost certain that this bill is headed for a veto, which means

we will have another opportunity to address this topic. I urge conferees to reconsider this provision and to eliminate this unnecessary and unhelpful encroachment on the President's power to conduct foreign policy.

Mr. THURMOND. Mr. President, I rise today in support of the language included in this conference report which reprograms money to establish a Border Patrol training facility at the Charleston Naval Base. This announcement was made back in July of this Year after the Department of Justice completed a competitive evaluation of several active and former Department of Defense facilities. In August, Congress approved the reprogramming request that was sent by the Department of Justice for this facility. During conference on this appropriations measure, the committee voted by an overwhelming majority of 11 to 1 to put the Border Patrol training facility in Charleston.

It is expected that this facility will train up to 2,400 agents over the next 3 years. Also, approximately 60 full-time instructors will be employed to conduct the training. Mr. President, Charleston is an ideal location for this facility. It is only about 2 hours from Glynco, GA, where the Border Patrol has its main training facility, and the naval base has readily available and convertible facilities to use for this project. The facilities, climate, and friendly community make Charleston an ideal location for the Border Patrol School.

Mr. WELLSTONE. Mr. President, the conference report the Senate is currently considering does some weighty damage to the 1994 Violent Crime Prevention Act passed by a bipartisan Congress last year. It would dismantle the Community Oriented Policing Services [COPS] Program, block grant it, and combine it with the crime prevention block grant into one big block grant. It would also cut funding for the resulting block grant. Along the way it destroys funding for child safety centers. The bill does fully fund the Violence Against Women Act, also known as VAWA, and for that I am grateful.

Mr. President, I want to begin my statement by focusing on the positive, and by congratulating my colleagues for deciding to fully fund VAWA. The conference report restores the \$76 million for VAWA that the House would have cut. VAWA funds are of vital importance to this nation. VAWA funds training for police, prosecutors, and victims advocates to target family violence and rape; programs to reduce sexual abuse and exploitation of young people; training for judges and prosecutors on victims of child abuse; training for State court judges on rape, sexual assault, and domestic violence cases, and programs to address domestic violence in rural areas.

Last year, \$240 million was promised by Congress for the Violence Against Women Act [VAWA] programs for fiscal year 1996—\$176.7 million for VAWA



programs administered by the Department of Justice, and \$61.9 million for VAWA programs administered by the Department of Health and Human Services.

All of this is funded out of \$4.2 billion provided by the Crime Trust Fund in 1996. Funding in the Crime Trust Fund comes from eliminating 123,000 Federal jobs and cutting domestic discretionary spending. Full funding of the Violence Against Women Program has no effect on the budget deficit and requires no new taxes. Now, I want my colleagues to clearly understand what this all means. Last year, we as a country decided that addressing crime was a top priority. We decided that savings from streamlining the Federal Government and cutting other domestic programs would go to fight crime.

As a country we made a commitment to breaking the cycle of violence and see that a person's home is the safe place that it should be. As of today, we are still living up to that commitment, by supporting this program.

I must also commend my colleagues on the Appropriation Subcommittee on Labor/HHS for their efforts and wisdom in fully funding the Violence Against Women Act program under their jurisdiction.

We must remember all the programs in the Violence Against Women Act are a package. Senator BIDEN and others worked for 5 years on this piece of legislation. All the pieces of it fit together. They all must be in place for it to work effectively. For example, we can encourage arrests by police officers but if they are not properly trained to understand the dynamics of domestic violence, an arrest could make the situation more explosive. Likewise, if more batterers are being arrested but judges are not trained to understand or take domestic violence seriously, batterers are likely to go free or be charged with lesser offenses.

Violence Against Women Act programs deserve the funds we are giving them. Anything less would have resulted in a betrayal of the bipartisan promise Congress made. Domestic violence must continue to be a priority for national crime-fighting efforts.

We know all too well that violence in the home seeps out into our streets. If we do not stop the violence in the home we will never stop it in the streets. We knew this when we passed the crime bill last year and it is still true today.

As I travel and meet more and more women and children who are victims of domestic violence, I become even more outraged that a woman's home can be the most dangerous, violent, or deadly place she can be; if she is a mother, the same is true for her children. It was with the passage of the Violence Against Women Act that Congress said, loud and clear, it is time to stop the cycle of violence, it is time to make homes safe again, and it is time to help communities across the country deal with this crisis.

I thank my colleagues for protecting this program. I wish that the rest of the conference report reflected such concern on the part of my colleagues for preventing crimes.

Unfortunately, the conferees have decided to block grant COPS and to combine it with local community crime prevention block grants. There are many serious problems with this approach.

In passing the crime law last year, Congress authorized \$75.9 million for local community crime prevention block grants for fiscal year 1996, and \$1.85 billion for COPS. Instead of fully funding both individual programs, the conference report that is before us creates a single block grant, combining both the COPS program and the prevention block grants and funding the result, the local law enforcement block grant, at \$1.9 billion, about \$25 million less than the two programs would have cost individually.

First of all, I believe that this block grant approach would open the door to funding anything under the sun that a governor determines is law enforcement or crime prevention. And it effectively could eliminate all crime prevention that was envisioned by the 1994 crime bill. For when law enforcement is pitted against crime prevention efforts, law enforcement always wins. The only specifically earmarked crime prevention money left is now the Violence Against Women Act. Out of an allocation for the Department of Justice of \$14.5 billion dollars, only \$175 million is directly targeted to the prevention of crimes.

This, I say to my colleagues, turns the clock back on the commitment we made last year to help communities which are both fighting and trying to prevent crime.

While I am on the subject of ignoring our commitments, in addition to gutting prevention programs, the conference report guts the very centerpiece of the 1994 crime law—COPS, which provides money for hiring, over 5 years, 100,000 more police officers to patrol our Nation's streets. To date, under this program, more than 25,000 police officers have been hired—in Minnesota alone, 354 new cops have been funded, and Minnesota has applied for 128 more. Importantly, each of these officers were hired to be on the beat, not in the office.

At a time of very tight budgets, the money for both the COPS Program and the crime prevention block grant come from savings achieved by reducing the Federal bureaucracy. None of these new police officers or crime prevention programs are adding an additional burden on the taxpayer. We as a Congress, and indeed a country, made fighting crime a top priority last year when we decided to use the savings from streamlining the Federal Government and from cutting some domestic programs for fighting crime.

The COPS Program is a good program. It is reaching and helping com-

munities. It is very flexible. Local jurisdictions can work with the Justice Department to meet their particular needs. The Justice Department has acted swiftly, has minimized the paperwork, and has staffed 800 numbers for immediate assistance. It is not surprising, therefore, that approximately 200 Minnesota jurisdictions have participated in this program. What's more, Attorney General Janet Reno has created a new effort at the Department of Justice to target some of these new cops on the beat to help address domestic violence.

Having more cops involved in community policing fighting crime means less crime. It is as simple as that. In only a short time the COPS Program is already delivering on its promise of providing more police officers in a very cost effective, flexible manner. Not surprisingly those on the frontline in the fight against crime have only praise for this program. Police chiefs, sheriffs, deputies, and rank-and-file police officers all support this effort to put more police in communities.

But now this very successful and popular crime-fighting program is under attack by Republicans who have converted its funding into a block grant. The conference report block grant plan does not stipulate that the money must be spent on hiring cops. Instead, the money can be redirected to fund restaurant inspectors, parking meters, radar guns—and any other of a host of things.

The money ought to be spent the way it was intended and the way law enforcement officials want it spent: to hire police officers. The Nation's major police enforcement organizations all agree on this point.

We all know that crime is one of the great plagues of our communities. People in the suburbs and people living downtown are afraid—they are afraid to go out at night, they are afraid to venture into the skyways, they are afraid to leave their cars parked on the street. We also all know that having a larger police presence helps deter the very crimes that people fear the most. Buying more parking meters, radar guns, or hiring more restaurant inspectors does not address this plague nor address peoples' legitimate fears.

It is peculiar that the party that claims to be tough on law and order is proposing as one of their first steps to change a successful, cost-effective law and order program—one that ought to have broad, bipartisan support.

Crime prevention was also an essential element of the crime bill. Despite the fact that at each step of the way in passing the crime bill prevention programs got watered down, in the end we decided that crime prevention had to be part of that bill.

Two years ago, when Congress began consideration of the crime bill, we started with a substantial portion of the crime bill addressing prevention; after all, prevention is crime control, stopping crime before it ever happens.

It, by the way, included something that I think is extremely important—supervised visitation centers. A model that I brought from Minnesota to help families with a history of violence, which I will discuss in a moment.

Ultimately, we ended up with a crime bill that included a block grant to the States for prevention programs—the local community crime prevention block grant. And, funding was not even authorized until fiscal year 1996. We haven't even given it a chance to work and get into communities—the only provision in the crime bill other than VAWA that was intended to prevent crime, one of the few provisions that was not funded until next year.

The local crime prevention block grant, like the COPS program, was supposed to provide a lot of flexibility to the States and communities. Under this block grant communities could have determined what types—within a general list of about 14 different ideas—of prevention programs to fund, and which prevention plans fit their community the best. But this block grant was for prevention, nothing else. And, as I stated earlier, it had not even had a chance to be implemented. This coming year would have been the first year funding would actually go to help communities.

But instead these 14 programs are now left to compete for funds with police stations and mayors' offices and jail. The money will never make it to community prevention efforts.

If we were to listen to people in the communities that are most affected by the violence, they would tell us that money has to go to prevention. You have to put some resources toward making sure our young people have opportunities. How interesting it is that those who would essentially eliminate these prevention programs do not come from those communities, do not know the people in those communities, and I do not think asked the people in those communities at all what they think should be done.

Mr. President, I can just tell you that in meeting with students, students that come from some pretty tough background—students at the Work Opportunity Center in Minneapolis, which is an alternative school, young students who are mothers and others who come from real difficult circumstances, all of them said to me: You can build more prisons and you can build more jails, but the issue for us is jobs, opportunity. You will never stop this cycle of violence unless you do something that prevents it in the first place.

Then I turn to the judges, the sheriffs, and the police chiefs, and I call them on the phone in Minnesota, and I ask them what they think. And they say yes we need community police and yes we need the other parts of the crime law, but they all say, if you do not do something about preventing crime, if these young people do not have these opportunities, if we do not

get serious about reducing violence in the home, do not believe for a moment that we are going to stop the cycle of violence.

Mr. President, I believe that a highly trained police, highly motivated, community-based, sensitive to the people in the communities, can make a difference. They are wanted and they are needed. But the conference report we are considering today will do nothing to prevent the criminal of tomorrow. And indeed without more cops on the beat it may not do much to fight the criminals of today.

Every 5 seconds a child drops out of school in America. This is from the Children's Defense Fund study. Every 5 seconds a child drops out of a public school in the United States of America. Every 30 seconds a baby is born into poverty. Every 2 minutes a baby is born with a low birthweight. Every 2 minutes a baby is born to a mother who had no prenatal care.

Every 4 minutes a child is arrested for an alcohol-related crime. Every 7 minutes a child is arrested for selling drugs. Every 2 hours a child is murdered. Every 4 hours a child commits suicide, takes his or her life in the United States of America. And every 5 minutes a child is arrested for a violent crime.

Mr. President, if we do not continue to be serious about the prevention part, we are not going to stop the cycle of violence.

All too many young people are growing up in neighborhoods and communities in our country where if they bump into someone or look at someone the wrong way they are in trouble, where there is too much violence in their homes, where violence pervades every aspect of their life. And people who grow up in such brutal circumstances can become brutal. And that should not surprise any of us.

Prevention and law enforcement—both essential elements of any crime fighting effort. These two should not have to compete with each other for funding, nor should funding be cut for either.

Which brings me to the most painful part of my statement today. This new block grant takes away funding for child safety centers. By discarding local community crime prevention block grants, which would have provided funding for child safety centers specifically as one of its 14 prevention programs, the conference report discards this program as well.

Child safety centers were created by the Child Safety Act, which became law in 1994 as part of the crime bill. It authorized funds to create supervised visitation centers for families who have a history of violence.

The prevalence of family violence in our society is staggering. Studies show that 25 percent of all violence occurs among people who are related. Data indicates that the incidence of violence in families escalates during separation and divorce. Many of these assaults occur in the context of visitation.

Supervised visitation centers would:

Provide supervised visitation for families where there has been documented sexual, physical, or emotional abuse.

Provide supervised visitation for families where there is suspected or elevated risk of sexual, physical, or emotional abuse, or where there have been threats of parental abduction of the child.

Provide a safe and neutral place for parents to visit with children who have been put in foster care because of abuse and neglect.

Provide a safe location for custodial parents to temporarily transfer custody of their children to non-custodial parents.

Serve as an additional safeguard against children witnessing abuse of a parent or sustaining injury to themselves.

The Child Safety Act would have supported the establishment and operation of approximately 30 centers across the United States. The Child Safety Act requires grant recipients to submit an annual report to the Secretary of Health and Human Services on the volume and type of services provided at the supervised visitation center. Twenty percent of the grants made under the Child Safety Act would support the establishment of special visitation centers created to study the effectiveness of supervised visitation on sexually and severely physically abused children. These centers would be staffed with qualified clinicians and would have enhanced data collection capabilities. From the reports submitted by grant recipients, the Secretary would prepare and submit a report to Congress on the effectiveness of supervised visitation centers.

Mr. President, because this program is unenumerated it doesn't stand a chance in competition with other, established entities under the conference report's block grant. Mr. President, there is nothing that will replace this program. There is no one who will step in and take care of these children. There is no one who will try to make these families whole. The communities trying desperately to repair themselves will get no help from us.

Mr. President, for this and the other reasons I have discussed today, I have severe reservations regarding this conference report.

Mr. BRADLEY. Mr. President, I rise in opposition to H.R. 2076, the Conference Report Making Appropriations for the Departments of Commerce, Justice and State. This bill would eliminate the Community Oriented Policing Program [COPS] and replace it with a block grant program. By gutting a program that has proven effective in putting police officers on the streets to interact with community residents, Congress is reneging on a promise that was made to the American people last year to aggressively attack the epidemic of crime.

In August of last year, Congress passed the \$30.2 billion Violent Crime

Control and Law Enforcement Act of 1994, the largest, most comprehensive piece of legislation in the history of this country. The centerpiece of the crime bill is the Community Oriented Policing Services Grant Program [COPS], a six year, \$8.8 billion crime fighting program designed to put 100,000 law enforcement officers on the streets. I provided a jumpstart for the community policing initiative in the crime bill when I introduced a bill in March of 1993 that authorized a major new expansion of community policing.

Mr. President, in 1 year, roughly 80 percent of the police departments in the country have been authorized to hire or redeploy almost 26,000 officers for community policing. To date, Mr. President, over 300 New Jersey jurisdictions have received more than 670 additional cops to walk the beat. Over the next 5 years, New Jersey can expect to receive a total of about \$250 million in community policing grants to hire approximately 2,800 officers on the beat.

Mr. President, community policing involves establishing a close relationship between community residents and the entire police department. This enhanced relationship will result in better law enforcement by putting more cops on the beat to stop trouble before it turns into violent crime. Community policing also will improve the overall quality of life of community residents by involving all police personnel in community activities.

In my talks with the citizens and law enforcement officers in New Jersey, I have been told that the Community Policing Program is improving the quality of life by making neighborhoods and communities safer. For example, in Woodbury, NJ, Chief Carl Kinkler has reported that the one police officer hired under the COPS Program has made a tremendous difference in the quality of life in the city. The hiring of the officer has allowed the department to deploy two officers to patrol a problematic community where open air drug dealing has been prevalent. During the last 3 months, 11 major drug arrests have taken place and open air drug dealing has declined by 90 percent. According to Chief Kinkler, deploying cops on the beat has allowed the city of Woodbury to allow the residents of this community to take control of their neighborhood.

In Newark, NJ, the community policing program has been enormously successful. Officers patrol neighborhoods on foot, and in those areas requiring acute attention, Neighborhood Stabilization Units have been set up. These units are literally mobile police stations, in which police officers in a specially equipped van drive into an area and set up a police station in the community.

In addition to solving and deterring crime, Newark police indicate that officers on the beat have been instrumental in dealing with quality of life issues. The officers solicit from citi-

zens problems that merit attention, such as prostitution, illegal dumping, and loud music which creates a public nuisance. The officers then solve the community problems. The cops on the beat also handle citizen concerns that traditionally fall outside the realm of police activity, such as repairing streets, towing abandoned cars, and razing abandoned buildings. The police department reports that community policing has have a significant impact on providing citizens with safer communities and an enhanced confidence in the police force.

Mr. President, this legislation provides that the block grant funding can be used for basic law enforcement functions, which can include prison guards, meter maids, file cabinets and parking meters. There is no guarantee that one police officer will be hired to stand with community residents to fight crime. I am reminded that when Congress debated the crime bill, critics of community policing argued that it was impossible to put 20,000 police officers on the streets over the life of the crime bill. However, in approximately one year, almost 26,000 cops have been deployed to walk the beat and rid communities of crime. Mr. President, a year ago a promise was made to put 100,000 police officers on the streets within 6 years. We are well on the way to fulfilling this promise. However, if Congress kills the community policing program—a program that has proven hugely effective in combatting crime—the guarantee that Congress will make to the American people is that their security is no longer a priority issue.

Mr. President, Congress has had past experience with block grants in the Law Enforcement Assistance Administration Program. I would like to remind my colleagues that this program had to be terminated because of waste. We should not make the same mistake today by eliminating a highly successful program that to date has funnelled Federal money directly to approximately 80 percent of police departments around the country to enable those departments to deploy officers on the beat to form a partnership with community residents to fight crime.

Mr. President, the community policing program has been immensely successful and is supported by the law enforcement community, including the Federal Law Enforcement Officers Association, the Fraternal Order of Police, the International Brotherhood of Police Officers, the National Association of Police Organizations, the National Organization of Black Law Enforcement Executives, the National Troopers Coalition, the Police Executive Research Forum and the Police Foundation. In addition, 65 percent of the American people support funding for more police officers. I urge my colleagues to stand with the American people in opposition to this bill and preserve the community policing program.

#### GENDER BIAS STUDIES IN THE COURTS

Mr. SIMON. Mr. President, I rise today to discuss one of the remaining barriers to equal justice in our State and Federal judicial proceedings—bias by judges and court personnel, and in particular, gender bias. I, and my colleagues from Massachusetts and Delaware, Senators KENNEDY and BIDEN, strongly believe that funds appropriated for the Federal judiciary, as set out in title III of the fiscal year 1996 Commerce-Justice-State appropriations conference report, should be used to study bias in the courts, if any, and to educate judges and court personnel about this barrier to equal justice in the courts.

As enacted, the Violence Against Women Act includes a provision—the Equal Justice for Women in the Courts Act—that authorizes and encourages each of the Federal judicial circuits to conduct studies of the instances, if any, of gender bias in the courts and to implement appropriate reforms. These studies were intended to examine the effects of any differential gender-based treatment in areas such as the treatment of litigants, witnesses, attorneys, jurors, and judges, the services and facilities available to victims of violent crime and the selection, retention, promotion, and treatment of employees.

In addition to authorizing the circuit studies, the act also requires the Administrative Office of the United States to act as a clearinghouse to disseminate any reports and materials issued by these gender fairness task forces. The act also requests the Federal Judicial Center to include in its educational programs, such as training programs for new judges, information related to gender bias in the courts.

These circuit-by-circuit studies were included in the act after the Senate Judiciary Committee unanimously accepted an amendment that I had offered. In passing the Violence Against Women Act, Congress recognized the need for research of this kind and the importance of disseminating the results of such research throughout the judicial system.

The importance of these studies extends well beyond their actual results. For example, the Hate Crimes Statistics Act, which I authored and which President Bush signed into law in 1990, requires the Justice Department to collect data on crimes based on race, religion, ethnicity, and sexual orientation. Oversight hearings on the implementation of that act demonstrated that one of its many benefits was to dramatically increase the awareness and sensitivity of the police about hate crimes. In this case, requiring circuit courts to study gender bias would have the same beneficial effect of increasing the awareness and sensitivity of judges and court personnel about gender bias.

While some of my colleagues may disagree, I strongly hope that, as authorized by Congress, the Federal judiciary will issue the reasonable funds appropriated under this act to fulfill

the purposes of the Equal Justice for Women in the Courts Act and achieve the ultimate goal of our Federal judicial system—equal justice for all.

Mr. KENNEDY. I thank the Senator from Illinois for his remarks, with which I fully agree. There should be no disagreement on the need to take steps to identify and eliminate any gender- or race-related bias in our judicial system. We must not tolerate any barriers to equal justice in our State and Federal judicial proceedings. More than 40 State and Federal court systems have conducted studies of gender bias in their courts. In part in reaction to some of the State court studies, the 1990 report of the Federal Courts Study Committee supported educational programs on bias for judges and court personnel. The Study Committee found that many task force studies at the State level revealed the presence of gender bias in State judicial proceedings. The 1990 report concluded, "[w]e believe education is the best means of sensitizing judges and supporting personnel to their own possible inappropriate conduct and to the importance of curbing such bias when shown by attorneys, parties, and witnesses."

The Judicial Conference of the United States has endorsed the need for gender bias studies three times. In 1992, the conference adopted a resolution noting that "bias, in all its forms, presents a danger to the effective administration of justice in Federal courts" and encouraging each Federal circuit not already doing so to "sponsor education programs for judges, supporting personnel and attorneys to sensitize them to concerns of bias based on race, ethnicity, gender, age, and disability, and the extent to which bias may affect litigants, witnesses, attorneys, and all those who work in the judicial branch." In 1993, the conference's "Resolution on the Violence Against Women Act," endorsed the gender bias studies provision as having great merit. And earlier this year, the conference approved a report of its Court Management Committee that encouraged the study of gender and race bias by the Circuit Judicial Councils.

When we passed the Violence Against Women Act last year, we encouraged such studies, a policy that remains in force unless it is repealed or altered by a subsequent statute. But even without our encouragement, the judiciary retains inherent authority to investigate bias in the courts. It strikes me as an inappropriate intrusion into the internal affairs of a coequal branch of government for Congress to prohibit such studies.

As the national debate on the O.J. Simpson trial made clear, many minorities are skeptical that they will be treated fairly in the justice system. Many women harbor similar doubts. The bias task forces are one way through which the judiciary can address legitimate problems. The judicial branch, independent of the Violence Against Women Act, is obligated to ensure the fair administration of justice,

and investigations of bias in the courts are consistent with that important goal.

Mr. BIDEN. I wish to thank the Senators from Illinois and Massachusetts for their remarks on this important subject. The Violence Against Women Act is the first comprehensive measure aimed at making our Nation's streets, college and university campuses, and homes safer for women. Following extensive hearings, the Judiciary Committee unanimously approved the act, and Congress passed this landmark legislation.

Subtitle D of the act, entitled "Equal Justice for Women in the Courts," was an important part of that legislation. As described by my colleagues, this provision encourages the circuit judicial conferences to conduct studies of gender bias within their respective circuits and to disseminate their results.

By enacting this provision, Congress intended to promote a greater understanding of the nature and extent of gender bias, to educate judges, and, ultimately, to reduce any bias. The Equal Justice for Women in the Courts Act takes us one step closer to achieving and maintaining equal justice under the law. It is an important part of an overall effort to ensure meaningful protection of the rights of those who were victimized by sex crimes, domestic violence, and crimes of violence motivated by gender.

A majority of the Federal circuits have already established gender bias task forces. Some circuits have expanded the mission of the task forces to include the study of racial and ethnic bias issues as well. I strongly believe that these studies and related education and training programs are critical to understanding whether there is any disparate treatment in the courts and, if so, what steps the courts should take to address it.

Task forces on gender, racial and ethnic issues have been endorsed by, among others, the National Commission on Judicial Discipline and Removal, the Long Range Planning Committee of the Federal Courts and, as noted by my colleagues, the Federal Courts Study Committee and the Judicial Conference of the United States.

As ranking member of the Judiciary Committee, and as the author of the Violence Against Women Act and the 1994 crime bill, I wish to join my colleagues in expressing my strong intent, that the Federal judiciary is authorized to use funds appropriated for violent crime reduction programs, as set out in title III of fiscal year 1996 Commerce-Justice-State appropriations conference report, to study gender bias and other related barriers to equal justice in our courts.

Mr. KERREY. I concur with distinguished Senators' analysis of the status of funding for the bias studies and with their beliefs about the importance of these studies. When we encouraged the judicial circuits to conduct gender bias studies, Congress acknowledged the importance and tradition of judicial self-examination on issues—such

as this—that are critical to the administration of justice.

The Judicial Council of the U.S. Court of Appeals for the Eighth Circuit, which includes the State of Nebraska, voted unanimously to conduct a bias study. The council's vote does not reflect any doubt about the talent or integrity of any judge on that court, but rather reflects their commitment to the identification and elimination of bias where it exists, and their recognition of the importance of that task to preserving the integrity of our judicial system.

As a member of the Appropriations Subcommittee on Commerce Justice, State and Judiciary, I fully support the use of Federal funds for the continuation of this effort to improve the justice system in the eighth circuit and other Federal circuits.

Mr. BRADLEY. I wish to join my colleagues in their support for the continuation of the work of the Federal judiciary in studying the existence, if any, of gender bias in the courts.

I am proud to say that in 1982, the Chief Justice of the Supreme Court of New Jersey established the Nation's first task force on gender in the courts. Now, the majority of States have commissioned gender task forces and issued reports of their findings. In general, these studies have identified some problems in the State courts and identified steps that can be taken by the bench and bar to improve the fair treatment of attorneys, litigants, and employees.

No one should question the importance of ensuring that our Federal courts truly function as fair, neutral adjudicators. Toward that end, the Federal courts should be commended for taking the steps to identify and, where it exists, to eradicate, gender bias in decisionmaking, employment, and the treatment of individuals. The work of these gender fairness task forces may not always be popular. The work may not always be comfortable for some. But in the end, their work will help ensure that the courts are, and are perceived to be, fair to all litigants.

I agree with Senators SIMON, KENNEDY, BIDEN, and KERREY that the Federal judiciary is fully authorized under the Violence Against Women Act to conduct these important studies and that the allocation to the judiciary under this appropriations bill may be used for that purpose.

Mrs. BOXER. I was proud to be a co-author of Violence Against Women Act when I served in the House and I am pleased now to join my colleagues in stating my strong support for the important work of the gender task forces authorized under VAWA. I fully agree that the courts are authorized to continue this work using funds provided in this appropriations bill.

The ninth circuit was the first Federal circuit to form a task force to

study the effects of gender in the judicial system. The work of the task force was initiated before Congress encouraged such studies. The ninth circuit report was issued in July 1993 and it concluded in part that "[a]lthough the judiciary aspires to a system of justice in which the gender of participants is of no import, the results [of the study] document that in the current world, gender counts." Supreme Court Justice Sandra Day O'Connor called the ninth circuit report a comprehensive, well-supported report.

The majority of Federal circuits have already created task forces to study the effects of gender in the courts. Their work should not be discouraged in any way now.

Mr. LAUTENBERG. As a member of the Appropriations Committee Subcommittee on Commerce, State, Justice, and Judiciary, I wish to express my support for the work of the task forces on gender and racial bias in the courts. I concur with my colleagues as to the importance of the task forces and I join my colleague, Senator BRADLEY, in noting that New Jersey has been a leader in the effort to ensure gender and racial fairness in the courts.

I firmly believe that funding for this important work is provided for in this appropriations bill and I join my colleagues in encouraging the judiciary to continue this work.

Mr. GLENN. I thank my colleagues for their insightful remarks on this important topic. I believe what we are really talking about here is maintaining the ability of the judiciary to address issues of particular importance to that branch of government. And bias is certainly such a topic. The judiciary is in the best position to determine whether this topic merits study or educational activities. And I believe the judiciary should be given the flexibility to do so.

The Judicial Council of the Sixth Circuit, which includes my home State of Ohio, felt strongly enough about this issue that it has approved the formation of a task force on gender fairness and a task force on racial and ethnic fairness.

Mr. BUMPERS. I join my colleagues to express my support for the efforts of the task forces on gender bias in the Federal courts.

Six of the seven States in the eighth circuit have conducted gender and/or racial bias studies. When bias was documented, these State task forces recommended improvements designed to assure the fair administration of justice for men and women in the courts.

In 1994, Chief Judge Richard Arnold of the U.S. Court of Appeals for the Eighth Circuit appointed a 30-member gender fairness task force on gender bias. The group includes 12 Federal judges from each of the 7 States in the circuit as well as court administrators, attorneys, and law professors. These distinguished task force members are committed to a careful, responsible

survey of the court to determine whether gender bias exists there. Congress has unequivocally authorized this work and I strongly believe that the Federal judiciary should continue this effort.

#### COMMUNITY RELATIONS SERVICE

Mr. GRAHAM. Mr. President, I would like to take this opportunity to speak on the conference agreement regarding the structure of and funding for the Community Relations Service.

The appropriations level for the Conflict Resolution Program of the Community Relations Service [CRS] of the U.S. Department of Justice in this bill—\$5.3 million—would have a catastrophic impact on the agency's conflict resolution mandate.

CRS is vital to this Nation's ability to continue to make progress in improving race relations. The important work of CRS is essential to preventing and resolving the day-to-day racial conflicts in the communities we represent. Without an effective CRS, racial tensions and conflicts will disrupt the economy and tear at the social fabric of the hometowns across Florida and elsewhere.

Over the past 3 years CRS has shifted resources from headquarters administration to field conciliation, leaving CRS with no buffer of administrative staff. Due to a series of budget reductions over the years, the CRS conflict resolution budget is almost all salaries and expenses at this point.

Because this program does not operate large scale grant, contract, training, or other operations that could offset the impact on personnel, this funding reduction will lead to the necessity to lay off almost 65 percent of the conflict resolution staff.

At this funding level, CRS would only be able to staff its 15 offices around the country with 2 or 3 conciliators in each office. Florida's regional office is in Atlanta and covers 7 other states in the region. With these drastic cuts, these people cannot begin to provide the racial conflict resolution services that Florida needs.

And even with this modest staffing level of 2 to 3 conciliators in most offices, the ability of the agency to sustain independent administrative and management operations would be seriously undermined.

We must recognize what this loss of service will mean to the people of this country. Without the full funding of \$10.6 million CRS, the country will be without a vital service that no one other than CRS can provide.

Further, I am opposed to the transfer of the Cuban-Haitian Resettlement Program from the Community Relations Service to the Immigration and Naturalization Service. INS is, in large part, an enforcement agency whose mission is not that of administering resettlement activities such as the Cuban-Haitian program. I am also concerned that the Cuban-Haitian program would be lost in such a large organization as INS which has scores of priorities.

At CRS, the Cuban-Haitian program is one of two missions that complement each other successfully: conflict resolution and Cuban/Haitian resettlement. The Cuban-Haitian Program has been successfully administered by CRS for 15 years. CRS has successfully implemented the outplacement operations of Cubans and Haitians from Guantanamo and the resettlement programs for unaccompanied alien minors. The resettlement program has been indispensable to our Defense Department's Atlantic Command in managing the Cuban-Haitian programs at Guantanamo and in Panama. CRS has helped to resettle over 17,000 migrants as part of DoD's Operation Sea Signal.

The conflict resolution program works hand in hand with communities throughout the country to gain receptivity to the influx of refugees and entrants under the Cuban/Haitian program and has smoothed the way for an orderly resettlement process. CRS resettlement efforts directly support local communities by reducing and preventing strain on local public services and preventing potential community tensions.

Both missions of CRS, Cuban-Haitian resettlement and the Conflict Resolution Program should remain as a separate division within the Department of Justice. Should the Senate have another opportunity to consider the Commerce, Justice bill, I would encourage my colleagues to support the CRS language in the Senate-passed bill.

Mr. FORD. Mr. President, when the Commerce/Justice/State appropriations bill was before the Senate I noted that it included an amendment of the National Voter Registration Act of 1993. That amendment is in this conference report. Since a veto of this measure is likely, this is not the right time to pursue my objection to this amendment. But, it is my purpose now to give notice that I will continue—at the appropriate time—to oppose this and any other attempt to weaken the Motor-Voter Act.

The provision that I object to would change the exemption provision of the Motor-Voter Act. That exemption was drafted—at the specific insistence of Republicans—so as to exempt only those States that had already, as of March 11, 1993, enacted election day registration or had no registration requirement. The amendment in this conference report would change the date to extend the exemption to include two more States, New Hampshire and Idaho.

The Motor-Voter amendment included in this report violates the purpose of the exemption provision. That purpose was clearly stated by the Republican floor manager of the Motor-Voter bill. His statement regarding the exemption is clear and unambiguous, so I will repeat it here.

Republicans slammed the escape-hatch shut. No longer is this bill a backdoor means of forcing states into adopting election day

registration or no registration whatsoever. \* \* \* Republicans succeeded in grand fathering in the five States that would have qualified for the exemption prior to March 11, 1993.

With regard to requests from other states—Michigan, Illinois, and South Dakota—urging that the exemption not include such a deadline, the Republican floor manager said “their constituents are better served by the closing of the escape hatch than if it had been left open.”

It should be clear from the foregoing that this is not merely an insignificant or technical amendment. Its purpose is contrary to the intent of the exemption provision of the Motor-Voter law. Its underlying intent is obvious and should be addressed directly. This is another attack on the implementation of the Motor-Voter law. It is also a thinly veiled attempt to curry favor of New Hampshire election officials shortly before that all-important first Presidential primary.

I made a more detailed statement of my reasons for opposing this amendment when this measure was first under consideration. Rather than repeat them now, I will conclude by reiterating that I will continue to oppose—at the appropriate time—this and any other attempt to weaken the National Voter Registration Act.

Mr. KERRY. Mr. President, I rise in opposition to the conference report appropriating funds for the Departments of Commerce, State and Justice for fiscal year 1996. The funding levels contained in this report are no better than those contained in its predecessor that the President vetoed. I have expressed earlier my extremely serious reservations about the provisions relating to the Justice Department and the elimination of the Cops on the Beat Program that I and many of us worked so hard to enact.

I now would like to focus my comments briefly on those provisions of the conference report that deal a serious blow to the Commerce Department's technology programs as well as to the provisions relating to Vietnam. Many of the Commerce Department technology programs, like the Advanced Technology Program and the Manufacturing Extension Program, have played a pivotal role in the start-up of high-technology and biotech businesses and the growth of jobs in these sectors in my State of Massachusetts.

The conference report completely zeros-out funding for any new projects that would have been supported by the Advanced Technology Program, or ATP. The ATP had been funded at a level of \$323 million in fiscal year 1995, and the President had requested more than \$490 million for this program in fiscal 1996. Companies that had applied for new project funding to bring enabling technologies to the point of commercialization will be denied funds under this bill. This will hurt a number of firms in my State, including Dynamet Technology of Burlington

which is developing surgical implant components, Gensym Corp. of Cambridge which is developing variable air conditioning systems and the Lorrion Corp. of Burlington that is working to upgrade fire protection modeling codes. I had hoped the Senate figure of more than \$100 million would prevail. Instead, the elimination of funding for this program will deal a severe setback to many start-up and other high-technology firms in my State.

The conference report preserves \$80 million in funding for the Manufacturing Extension Program [MEP]. Through the University of Massachusetts at Amherst and Bay State Skills, MEP has provided valuable, hands-on technical and management consulting on manufacturing processes for small and mid-sized businesses. MEP estimates that every dollar of its support generates \$15 in economic growth for the local community. The funding cut contained in this report will hurt companies like Alpha Industries of Woburn, whose 600 employees are successfully making the transition from manufacturing semiconductors for the Defense Department to a commercial product operation.

Among many other programs in my State that will be hurt as a result of funding reductions or terminations in the conference report are the Massachusetts Biotechnology Research Institute, which has leveraged venture capital funds for new biotechnology companies in and around Worcester, and the textile center at the University of Massachusetts at Dartmouth, which had hoped to become the first university outside the Southeastern United States to participate in the National Textile University Centers. Cutbacks in the National Telecommunications and Infrastructure Assistance Program will hurt groups in my State that are seeking to get on the information superhighway. Among them are the Executive Office of Education in Boston that is developing a statewide, integrated, interactive voice and data network, called the Massachusetts Information Infrastructure. This network will begin by connecting 20 of an estimated 352 sites at libraries of K-12 schools and higher education institutions, local government and health and community organizations throughout Massachusetts. More than 80 other entities in my State have sought assistance from this program, but are not likely to receive any help in the face of the proposed funding cuts.

I would now like to turn briefly to the State Department title of the bill that relates to Vietnam.

The conference report conditions the establishment of an embassy in Vietnam on a certification by the President with respect to Vietnamese cooperation on providing POW/MIA information. As the former chairman of the Senate Select Committee on POW/MIA Affairs, I believe that no one has worked harder or more conscientiously to ensure that our Nation and the fam-

ilies of our POW/MIA's get answers to the fate of these heroes. But I believe the way we secure continued and even enhanced assistance from the Vietnamese is by engagement.

I believe this provision could have the perverse effect of setting back our efforts. This amendment, offered by the House in conference, is really a thinly disguised effort to undermine the administration's decision to normalize relations with Vietnam, and it is contrary to the Senate's position opposing direct linkage of the POW/MIA issue and the process of normalizing relations with Vietnam.

Mr. President, being a strong supporter of the Cops on the Beat and other anticrime programs administered by the Justice Department, being a staunch advocate for the international trade, technology, environmental and fisheries programs carried out by the Commerce Department and being a steadfast advocate for the resolution of international conflicts through diplomatic means, it pains me to have to oppose this conference report. But I must and I will, knowing that the funding cuts and terminations will not sustain the programs we must have to keep our streets and communities safe, to keep our economy vibrant and to promote job creation and to maintain our presence in and the peace of this world.

Ms. MIKULSKI. Mr. President, I rise today in opposition to the conference report accompanying the fiscal year 1996 Commerce, Justice, State appropriations bill.

I am opposed to this conference report because it takes this country in the wrong direction. The conference report undermines our efforts to fight crime by abolishing the highly successful COPS Program and replacing it with a block grant to the States. Under the COPS Program, Maryland has received funding for 440 new police officers throughout the State devoted to community policing and keeping our streets safe. This conference report would pull the rug out from under this program and jeopardize future funding for these officers.

In addition, this conference report makes draconian cuts to the Commerce Department that will harm America's ability to maintain its technological edge. The conference report contains a rescission of \$75 million in construction funds for the National Institute of Standards and Technology [NIST]. These funds were going to be used to construct a new advanced technology laboratory that would play a critical role in maintaining America's technological supremacy.

Originally built between 25 and 40 years ago, the majority of NIST's facilities are now technically and functionally obsolete, which makes it difficult if not impossible to support the requirements of advanced research and development projects. As a result, experiments are often delayed or subject to costly rework, and scientists must often accept levels of precision and accuracy below those needed by industry.



As the only Federal laboratory whose explicit mission is developing scientific standards and providing technical support for U.S. industry's competitiveness objectives, NIST must have a modern scientific infrastructure—the laboratories, equipment, instrumentation and support—in order to maintain a viable scientific research program and to keep our Nation on the cutting edge of science and technology as we move into the 21st century. This view was recently underscored by a group of 25 Nobel laureates who called the laboratories “a national treasure,” which “carry out the basic research that is essential for advanced technology.”

Under the conference report, the Commerce Department's Advanced Technology Program receives no new funding for fiscal year 1996. The ATP is another vital program for developing new technologies that lead to the creation of new jobs by supporting innovative research.

I believe this bill will not further America's long-term economic interests nor the interests of my own State of Maryland. Furthermore, the cuts to law enforcement will hurt our ability to fight crime in the streets and make our neighborhoods safer.

So, I will oppose the approval of this conference report.

Mr. PRESSLER. Mr. President, I would like to address briefly a few provisions in H.R. 2076, the fiscal year 1996 Commerce-Justice-State appropriations bill, that relate to funding of the United Nations.

First, I want to compliment the fine work of the new subcommittee chairman, the Senator from New Hampshire, Senator GREGG, for his great work on this bill. As all of us know, our friend from New Hampshire had to assume command, so to speak, while this bill was in flight. And as all of us know, this is a very important and complicated piece of legislation. The Senator from New Hampshire took command and has produced a good bill that is worthy of our support.

One provision worth noting is that which would limit U.S. contributions to the United Nations. Under the conference report, 20 percent of the funds appropriated for our regular budget assessed contribution to the United Nations would be withheld until a certification is made by the President to the Congress that the United Nations has established an independent office of inspector general as defined in section 401(b) of Public Law 103-236—the Foreign Relations Authorization Act of 1994.

This withholding requirement should sound familiar to my colleagues. The provision in the conference report extends a withholding requirement I offered as an amendment to the Foreign Relations Authorization Act during Senate consideration in 1994. The reason why I took this step nearly two years ago was because of rampant waste, fraud, abuse, and outright thievery at the United Nations.

For years, I have identified specific examples of budgetary mismanagement and wasteful practices at the United Nations. I believed that the solution to these practices was the same solution the federal government has adopted to ensure American taxpayer funds are well-spent: an independent inspector general. Specifically, what was needed then and now is an office or mechanism that can conduct budgetary audits; recommend policies for efficient and effective U.N. management; investigate and detect budgetary waste, fraud and abuse; and provide an enforcement mechanism that would enable the Secretary General, or even the so-called inspector general, to take corrective action.

The withholding requirement was put in place for two reasons: First, it was important to demonstrate that the U.S. Government was very serious about putting an end to U.N. fiscal mismanagement. As the single largest contributor to the United Nations, I believed that it was time to use this leverage to achieve real reform at the United Nations. Second, I believed that American taxpayer dollars should not be used to subsidize waste, fraud, and abuse. Frankly, I had sought a higher withholding amount—50 percent—to achieve this goal, but twenty percent was the highest I could get through what was then a Senate controlled by the Democrats.

Since the adoption of this withholding provision, U.N. reform has become a more important and open topic of discussion in the halls of the United Nations, and the Clinton administration. During the 50th anniversary celebration of the United Nations, the President devoted much of his address to U.N. management reform. The United Nations has appointed a so-called inspector general that released a report detailing vast mismanagement within the United Nations, particularly in the area of peacekeeping activities. All this is good news. A few years ago, former Attorney General Dick Thornburgh, in his capacity as Undersecretary General for Management, produced a similar report, and the United Nations did everything it could to hide it from public view.

So the fact that the United Nations has produced a report detailing its own mismanagement is an important development. The United Nations has been a mismanagement addict, and it has taken the vital first step to reform its addiction: recognition. The United Nations recognizes it has a serious mismanagement problem and it now is willing to admit it. It is about time.

However, one more crucial step needs to be taken: action. The U.N. must take action to correct its addiction, and that is why the withholding requirement in the conference report before us today is so important. By my interpretation of section 401(b) of Public Law 103-236, the President would be unable to make this certification because of the requirement in that sec-

tion that the United Nations has procedures in place designed to ensure compliance with the recommendations of the inspector general.

In short, there must be enforcement of management reform, not simply recognition or discussion of the need for it. That is why the withholding requirement in the conference report before us is needed. We have made progress, but we have yet to achieve our ultimate goal: real reform within the United Nations. For that reason, we must stay the course. We must continue to insist on a withholding of taxpayer dollars until the United Nations has cleaned up its act.

Mr. President, I intend to speak in more detail on this matter in the near future, particularly on the subject of our contributions to the United Nations, and additional reforms that must be put in place. In the meantime, I am pleased that the conference report maintains our commitment to U.N. reform. I commend my friend from New Hampshire for his efforts to make sure this provision was included in the final bill. I look forward to working with him and all my colleagues to ensure our U.N. management reform goals are met.

Mr. DOLE. Mr. President, earlier this year, America recoiled in horror as we heard the tragic story of Stephanie Kuhen, a 3-year-old girl who was shot dead in her family's car after the car took a wrong turn and drove down a gang-infested alley in Los Angeles. Stephanie's grandparents have remarked, ironically and unfortunately with some truth, that their family would probably be safer in Bosnia.

In September, we read about 42-year-old Paul McLaughlin, a Massachusetts State prosecutor, devoted to his job, who was shot dead at point-blank range outside a commuter train station while returning home from work. At the time of the murder, police speculated that it may have been a gang-ordered assassination. Several officials remarked that “the slaying was the kind of event that might happen in Italy, Colombia, or other nations where prosecutors, judges, and police are kidnapped or assassinated.”

And last August, three employees of a Capitol Hill McDonald's restaurant—18-year-old Marvin Peay, Jr.; 23-year-old Kevin Workman; and a 49-year-old grandmother named Lillian Jackson—were all herded into the restaurant's basement freezer late one Saturday night and shot in the head. All three died instantaneously.

Mr. President, what I have just described did not take place in Bosnia or Italy or Colombia or some other country, but right here in America. These are real people. With real families. Feeling real pain. And dying real deaths. They are citizens of our country.

#### SOME FACTS ABOUT CRIME

We must put an end to this madness. If America wants to continue calling itself a civilized society, we can no

longer accept an annual crime tally of nearly 24,000 murders, 100,000 forcible rapes, 670,000 robberies, and more than 1 million aggravated assaults. We must stop tolerating the intolerable.

Listen to these facts.

Fact: For the first time in our Nation's history, the FBI estimates that a majority of all murders are committed by persons who are strangers to their victims. In a very real sense . . . no matter where we live or where we work, Americans are hostage to the vicious, random acts of nameless, faceless strangers.

Fact: More and more young people are resorting to violence. According to the Justice Department, the murder rate among 14-to-17 year-olds has increased by 165 percent during the past 10 years, fueled in large part by crack cocaine. If current trends continue, juvenile arrests may double by the year 2010.

Fact: Violent crime is destroying America's minority communities. The Justice Department estimates that a staggering 1 out of every 21 African-American men in this country can expect to be murdered, a majority rate that is twice the rate for U.S. soldiers during World War II.

Fact: The revolving prison door keeps swinging and Americans keep dying. At least 30 percent of the murders in the United States are committed by predators who should be behind bars, but instead are out on the streets while on probation, parole, or bail.

#### LAW ENFORCEMENT BLOCK GRANT

Now, Mr. President, this conference report will not solve the crime problem. The best antidote to crime is not a prison cell or more police, but conscience—that inner voice that restrains the passions and enables us to recognize the difference between right and wrong.

To put it simply: values count, not just in our lives, but in our society. There will never be enough prisons or police to enforce order if there is growing disorder in our souls.

But, of course, we have to start somewhere. Last year, I opposed the so-called crime bill because I believed it was a flawed Federal policy—too light on punishment and too heavy on pork, spending billions and billions of dollars on untested social-programs. This conference report tries to correct some of these excesses.

The report also rejects the “one-size-fits-all approach” of the current COPS Program by giving local communities more flexibility to determine what best suits their own unique law-enforcement needs. Is it more police? Better training? More squad cars? Or perhaps modern crime-fighting technology? As the Washington Post recently editorialized:

Because community policing has proved to be so effective and so popular with the public, many areas will spend the money as Washington intends. But if new technologies, more cars or a social service unit trained with juveniles are needed, why shouldn't local authorities have more choice? Word processors, a modernized telephone system

or better lab equipment may not have the political appeal of 100,000 new cops. But for some cities, they may be a much better deal.

And let me emphasize that if a local community wants more police officers—needs more cops—it can use the block-grant funds for this very purpose.

#### TRUTH-IN-ADVERTISING

Mr. President, in the coming days, we will no doubt hear President Clinton denounce the Congress for attempting to repeal his so-called 100,000 COPS Program. But what the President will not say is that this program never existed in the first place. The current program fully funds only 25,000 new police officers, not the 100,000 we hear so much about. That is not just my opinion. It is the opinion of experts like Princeton University Prof. John DiIulio.

So, when it comes to the COPS Program, it is time for a little truth-in-advertising.

#### OTHER PROVISIONS

This conference report contains other important provisions: \$10 million for the innovative police corps program; truth-in-sentencing grants that will help the States abolish parole for violent offenders; the Prison Litigation Reform Act, which will go a long way to reduce the number of frivolous claims file each year by litigation-happy inmates, the so-called frequent-filers; and \$500 million to reimburse the States for the cost of incarcerating illegal aliens, including those who have committed crimes while in the United States.

Finally, I want to commend Senator JUDD GREGG, the manager of this bill, for his skill in developing this conference report and bringing it to the floor. Senator GREGG just recently assumed the chairmanship of the Commerce, Justice, State Subcommittee, and with today's action, he has proven that he is a very fast learner indeed.

Mr. LAUTENBERG. Mr. President, I want to go on record opposing a last minute addition to the statement of managers in the conference report on the Commerce, Justice, State and Judiciary appropriations bill, to which I object strenuously. On page 127 of the statement of managers there is a provision to have a deep ocean isolation study. This report language would have NOAA conduct an analysis of a particular patented technology that would be used for the disposal of dredge soil to the deep ocean.

Mr. President, I strongly object to this direction to NOAA. First, there was no mention of this issue in the House bill, the Senate bill, the Senate report or the House report. But, it is in the conference report.

Second, this is special interest legislation of the most egregious kind—it is intended to help one and only one company at the expense of the environment.

Third, the company had, in the past, a similar study provision in a Defense appropriations bill. In January, the Navy released its study that this technology was determined to be “unac-

ceptable from both production rate capability and because of handling systems problems.”

I objected strenuously against this study in 1993 because it would be a waste of Federal resources and because it was intended to lead to renewed disposal of sewage sludge in the ocean. Mr. President, the study has been completed, and the Navy determined the technology was not feasible. The money was wasted and yet, in these difficult budget times, a request is being made to do a similar study by a different agency of the Federal Government! When is enough enough?

Mr. President, our oceans are too valuable to be used as a garbage dump. Our oceans include diverse species that rival the tropical rain forests. Because of the rich environmental heritage of the oceans and the tremendous economic vitality of our coasts that are dependent on a clean ocean environment, I have worked to end the ocean dumping of sewage sludge and the proper handling of contaminated sediments. That is why I sponsored legislation to ban ocean dumping of sewage sludge and sponsored provisions in water resources development legislation that will help develop technologies to decontaminate dredged sediments.

Mr. President, this study is not just a study of whether a technology will work. It is a study about the feasibility of a technology that is designed to facilitate illegal activities.

The intent of this technology is to dispose of contaminated dredge materials. Clean dredged disposal is used beneficially on golf courses and other uses. However, the disposal of contaminants in the ocean that this technology contemplates is illegal above trace amounts under the Marine Protection Act and several international conventions.

Mr. President, the tourism industry in my state, the water recreation industry and users, and numerous environmental groups have rejected additional disposal of contaminated sediments as contemplated by this language. The public has spoken out forcefully and repeatedly against the ocean dumping of pollutants. And, the Navy has determined that this technology is not feasible and will lead to the release of contaminated toxic sediments into the water column.

Mr. President, I know that this report language is not binding on the Agency. Based on the fact a similar study has just recently been carried out, I strongly urge the Agency to ignore this ill-conceived and ill-considered language.

Mr. GREGG. Mr. President, I suggest the absence of a quorum and request the time be allocated equally to all sides.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, on behalf of the leadership, I ask unanimous consent the 12 remaining minutes of the distinguished Senator from Arkansas be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum with the time assigned to all sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMENDATION OF STAFF

Mr. HOLLINGS. Mr. President, again I would like to thank the professional staff who worked so hard on this appropriations bill. On the majority side I want to recognize David Taylor, Scott Corwin, Vas Alexopoulos, and Lula Edwards. And, of course, I would be remiss if I did not recognize Mark Van DeWater, our full committee's deputy staff director. Time and time again Mark worked to develop compromises that let this bill go forward. Finally, I want to recognize Emelie East, of our minority staff, who staffs this bill, foreign operations, military construction, and defense appropriations.

#### ORDER OF PROCEDURE

Mr. GREGG. Mr. President, I ask unanimous consent that all time be yielded back, except that there be 10 minutes reserved for the leader and 10 minutes reserved for the ranking member of the Appropriations Committee, Senator BYRD; that a vote be set to occur at 4 o'clock on final passage; that the yeas and nays be ordered; and, that, pending the 10 minutes being used by the leader, or the 10 minutes to be used by Senator BYRD, we be in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

#### REFORMATION OF THE FOREIGN AFFAIRS APPARATUS

Mr. HELMS. Mr. President, it is not exactly a secret that I introduced legislation many months ago to reform the foreign affairs apparatus of the United States by abolishing three wasteful, anachronistic Federal bureaucracies—the Agency for International Development, which we call AID around this

place; the Arms Control and Disarmament Agency, which is called ACDA; and the U.S. Information Agency, USIA—and folding their functions into the State Department, thus saving billions of dollars.

Senators know the history of what has transpired since that day early this year when I offered that bill. There has been one delay after another. But I am hopeful that late this afternoon Senator KERRY and I will complete an agreement that will lead to a consummation of the activities so that we can have some ambassadors confirmed and some other things accomplished by the Senate Foreign Relations Committee and the U.S. Senate, which could have been done months ago had it not been for the objection to our having a vote on my bill.

That is all I ever asked. I did not ask that there be a victory or that the bill be passed. I asked only that there be a vote. But that was denied me. And the media, of course, do not make that clear. That is all right with me if it is all right with them. They are not very accurate about many things anyhow.

Many Senators are aware that Vice President GORE has been one of the most vigorous opponents of my proposal to abolish the Agency for International Development as an independent entity and place it directly under the purview of the Secretary of State—a proposal, I might add for emphasis, that has been supported from the very beginning by a majority in the U.S. Senate and endorsed by five former U.S. Secretaries of State.

As I understand it, Vice President Gore is in South Africa today. And while Al Gore, as we called him when he was a Senator, is there, I do hope that he will take the time to visit the South African mission of the Agency for International Development.

Let me point out that the Agency for International Development was created more than three decades ago as one of those temporary Federal agencies—temporary, don't you know.

Well, Ronald Reagan used to say that there is nothing in this world so near eternal life as a "temporary" Federal agency. And AID, the Agency for International Development, is one of them.

Let me get down to business. I have before me documented information disclosing that the Agency for International Development's inspector general has just completed an extensive investigation into abuses in U.S. foreign aid programs in South Africa involving millions upon millions of dollars of the American taxpayers' money. This investigation raises, obviously, serious questions about the contracting and hiring practices within the Agency for International Development's mission in South Africa, as well as the headquarters here in Washington, DC.

These questions range from whether AID officials unlawfully awarded multimillion-dollar Federal contracts to politically connected U.S. organizations, and they range from that point

to whether AID also attempted to hire personnel on a basis other than the question, were the persons being hired qualified for the job?

This is not JESSE HELMS talking. This is the inspector general of the Agency for International Development.

Whether the laws have been broken will be decided after careful review of information that led the inspector general of the Agency for International Development to request the Department of Justice and the Office of Management and Budget to review the many, many pages of information already transmitted to the Justice Department and to OMB.

I will add, Mr. President, that this matter will be carefully examined by the Senate Foreign Relations Committee at the earliest practicable time.

Interestingly enough, the Agency for International Development operation in South Africa has been extolled and praised by Mr. Brian Atwood, whom President Clinton appointed to head the Agency for International Development. Now, Mr. Atwood calls the operation in South Africa AID's flagship program in Africa—a program that has spent, I might add, Mr. President, more than \$450 million of the U.S. taxpayers' money in the past 5 years.

All right. Now, Mr. Atwood, in defending his agency explains that AID employees were simply overtaken with "enthusiasm"—and that is his word—in awarding contracts in South Africa. And AID management suggests that this multimillion-dollar problem can be solved simply by giving a little "sensitivity" training to AID employees in South Africa.

That is Mr. Atwood's, and AID's, position as of now, as I understand it to be. It remains to be seen, of course, whether the American public will buy that explanation.

My own view is that the American people have a right to know exactly what is going on with AID's giveaway program in South Africa. Congress has an obligation to get to the bottom of it, and I for that reason have asked the distinguished Senator from Kansas, Mrs. KASSEBAUM, who chairs the African Affairs Subcommittee of the Senate Foreign Relations Committee, of which I am chairman, to schedule a hearing on this matter on December 14 at 2 p.m. Senator KASSEBAUM has indicated that she shares my concern about the inspector general's report, and she has readily agreed to schedule such a hearing. We will request the presence of members of AID's South Africa management as well as AID officials in Washington who directly oversee the South Africa program in order to give them an opportunity to explain to the Senate and to the American people precisely what has been going on in South Africa.

Mr. President, I thank the Chair and I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.